

SUFFOLK COUNTY LEGISLATURE

GENERAL MEETING

**TWELFTH DAY
AUGUST 10, 2004**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE
BUILDING**

IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM

725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND DONNA CATALANO, COURT STENOGRAPHERS

[THE MEETING WAS CALLED TO ORDER AT 9:35 A.M.]

P.O. CARACAPPA:

Good morning. Roll call.

MR. BARTON:

Good morning, Mr. Chairman.

P.O. CARACAPPA:

Good morning.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

(Not Present)

LEG. FOLEY:

Present.

LEG. LINDSAY:

(Not Present)

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

(Not Present)

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. CRECCA:

Henry, I'm here.

LEG. LOSQUADRO:

Henry, present.

LEG. ALDEN:

You got Caracciolo, right?

MR. BARTON:

Oh, yes.

LEG. ALDEN:

He screamed.

MR. BARTON:

16 present. (Not Present at Roll Call: Legs. Lindsay and Mystal)

P.O. CARACAPPA:

Thank you. Everyone, please rise for a salute to the flag, led by Legislator O'Leary.

(Salutation)

Please, remain standing. I'd like to recognize Legislator Jon Cooper for the purpose of introducing today's clergy.

LEG. COOPER:

Good morning. It's my great pleasure to introduce the Reverend Paul Ratzlaff, who will perform today's invocation. Reverend Ratzlaff is the fourth settled Minister at the Unitarian Universalist Fellowship of Huntington. The Huntington Fellowship is one of the largest U.U. congregations on Long Island, and is also one of the oldest, tracing its roots back to December 7th, 1947. Reverend Ratzlaff.

REVEREND RATZLAFF:

Thank you, Jon. Let us pause in prayer. Source of life, of love, of justice, we humans have given you so many names, but you are beyond our naming. We're so grateful for your gift of life, for the privilege of living in this country, where power is given over with a handshake, not at the end of a gun.

Let us pause for a moment to remember all those who are in harm's way this very day as we meet here in relative safety, those in Najaf, Iraq, and those in other parts of the world that may not be as present in our media. Let us hold all of these in our heart. We pray that peace will be found with no further blood shed.

Holy Spirit, guide these good people in their decision•making. May they be blessed with wisdom. May they consider the well•being of all your children, including those who never call their Legislators, because they are struggling to get by, working two, three jobs just to exist. With compassion and judgment, may the decisions considered this day move us toward your divine vision of a beloved community here in Suffolk County on this good Earth. In the names of all that we hold holy, Shalom, Salaam, Amen.

P.O. CARACAPPA:

Thank you very much. Please, be seated. I would ask Legislator Carpenter and Legislator Lindsay, if he's available, to join me at the podium for the purpose of a proclamation.

Good morning. I'd ask Ellie Seidman Smith to please come forward. Ellie, I can't believe I'm actually presenting this proclamation after all these years. Just so everyone knows, Ellie Seidman Smith has been the Executive Director, right, would that be the proper title, for our Red Cross Community Service Program since 1981. And, in fact, you advocated for the beginnings of this with then Sheriff Finnerty, I believe, Presiding Officer Wehrenberg, and the Legislature. And since then, you've been the leading advocate, not only in Suffolk County, but probably across the nation, when it comes to the Red Cross Program.

I must say, you have •• probably, most definitely, the best lobbyist for any effort that I've ever come across in my •• the ten years now at the Suffolk County Legislature, because you believe in what you do, you believe in what the program has done, you believe in a better Suffolk County, and you really, really, you've inspired us over the years to do the right thing for your program, because you've always worked hard with your •• with your staff and the volunteers to do the right thing throughout this County, and we've all benefitted in our districts for so many years and we thank you.

And now you're leaving us. I don't know who's going to be as an effective voice as you have been over the years, but we know whenever we deal with the Red Cross Program for years to come, you will be at the forefront still lobbying us to make sure that they're made whole every single year. You've been, really, an inspiration to us, and we thank you for your years of service. And I'm going to turn it over to Deputy Presiding Officer Carpenter now.

D.P.O. CARPENTER:

Thank you, Presiding Officer Caracappa. He certainly epitomized how we all feel about Ellie.

The Community Service Program really is something that truly benefits each of the Legislators and the districts that they represent. When there are instances of graffiti, we know that we can readily contact Ellie's office and a real difference in the community is made. I am sure that she feels comfortable moving on now, that she's trained her staff well. And I know,

on behalf of my colleagues at the Legislature, we wish you every happiness, because you certainly deserve it. You have brought happiness to many, many other people over the years. Congratulations, Ellie.

(Applause)

Legislator Lindsay.

LEG. LINDSAY:

My colleagues have said everything that has to be said. Just thank you very much for all your years of service.

MS. SEIDMAN SMITH:

Thank you.

(Applause)

LEG. VILORIA • FISHER:

Ellie is my constituent, so I have a special thank you for her. She's a wonderful person to have in our community, and volunteerism and advocacy has been a •• have been a part of her life her entire life. She was a Peace Corps volunteer. She was, as I was, in education, an educational professional, and she brought that caring and nurturing to us all here in Suffolk County through her efforts with the Red Cross Program. And so, Ellie, as a friend, I thank you for everything that you do.

(Applause)

LEG. NOWICK:

I didn't plan to be here, but I just must tell all of you, in 1981, Ellie and I helped start this •• we worked together, we started this program together. I think the two of us probably were pregnant for our daughters, and then •• and then Administrative Judge Angelo _Maseri_ had helped out, and that was the beginning of this program. So, I needed to come up here and say I thought you and I were going to retire together. What happened? You did a wonderful job. Together after all of these years.

(Applause)

P.O. CARACAPPA:

Once again, I'd just like to, on behalf of the entire Legislature and the County of Suffolk, thank this wonderful lady for the years and years of dedicated service. I think she deserves a tremendous round of applause for what she's done.

(Applause)

I recognize Legislator Binder for the purpose of a proclamation.

LEG. BINDER:

Today I have the opportunity to present a proclamation, which I would assume my colleagues don't know anything about, and the reason my colleagues wouldn't know anything about it is because, at least in the 15 years I've been here, a proclamation for this reason in this manner has not been given at this Legislature, and there's a good reason for that. Very few people in the United States receive the award that I'm going to be giving a proclamation for today.

In 1964, the President of the United States, by executive order, recognized a way to honor some of the most •• of the nation's most distinguished high school graduates. In that program, the United States Presidential Scholars Program, it was set up to basically honor the best and the brightest from around the country. Now, we have some really bright people. We've had the Intel, the Westinghouse Scholars, and we know in Suffolk County we have some of the most •• the numbers are outstanding. We have more, almost than any other part in the whole country. And with all of that, with all of the scholarship that we have on Long Island, with the schools that are so outstanding, we haven't had one of these, we haven't had a Presidential • the United States Presidential Scholar. There are only about 120 in the whole country for academics. There's also a section for the arts. Particularly for academics, there's only 120 in the whole country. And I am very honored and pleased that I have the opportunity to represent one of those Presidential Scholars, the few outstanding, not outstanding, beyond outstanding high school students from the whole country. Her name is

Whitney Reiben, and I think I said that right. Whitney, why don't you come up here.

Whitney had to go through a process where they looked at SAT scores, ACT scores, and they looked around the whole country and they said, Here's the best and the brightest." Now, what do we mean by that? It's not that someone or a school can nominate. This is not about nominating, they have to find the person. Then, after they find the person, then they have to go through a review committee. The review committee evaluates candidates on their academic achievement, personal characteristics, leadership, service activities, and an analysis of an essay they write, and then they pick only the best from around the country. And Whitney is an accomplished student. Let me read some from the proclamation.

She's spending her senior year as a Rotary exchange student in _Yamanasi_ , Japan. She speaks fluent Japanese and two other languages. And I know here in the Legislature we struggle with English. But we have someone here who is fluent in many languages and can go to Japan and be able to fit into the society, because she can speak the language.

She is studying on campuses for the last five summers. She's a State bassist. A bassist. That's a pretty big instrument, I guess, right? That's ••

MS. REIBEN:

Yep.

LEG. BINDER:

Yeah, real big.

MS. REIBEN:

String base.

LEG. BINDER:

String base. So, she's •• in New York States she's recognized for that outstanding achievement. She's graduating early, I think. Is it ••

MS. REIBEN:

I graduated in 11th grade.

LEG. BINDER:

Graduated in 11th grade. How many of us struggled to get through 12th? And here in 11th grade she finished because she could. And it is an incredible honor to be able to do this today.

Let me bring up the teacher that she nominated, because they all get to, in a sense, nominate a teacher, that was influential, influential to the student she sees around them, also to Whitney herself, Richard Lee.

(Applause)

One of the really outstanding teachers that we have in Half Hollow Hills. I say "we", because I guess there's some pride. This is my alma mater, this is where I went to school, and we had some outstanding students, but I could tell you this, we didn't have a United States Presidential Scholar. So, we have someone who says something about Suffolk County, something about Suffolk County, that we can be among the best in the nation, and that's why it is a wonderful thing that I got the opportunity. And I have a lot of pride in being able to do this, give a proclamation to Whitney for something that very few people ever get, and this might be the only one that the Legislature ever gets an opportunity to give. Congratulations, Whitney.

(Applause)

P.O. CARACAPPA:

Congratulations, Whitney, from the entire Legislature. I'd like to recognize Deputy Presiding Officer Carpenter for the purpose of a proclamation.

D.P.O. CARPENTER:

Thank you very much, Presiding Officer Caracappa. I have a proclamation here today, because I wanted to recognize an extraordinary young man who, while serving as a police officer with the Suffolk County Police Department in the Marine Bureau •• and I would ask Legislator O'Leary, who's the Vice Chairman of the Public Safety Committee and a former law

enforcement officer himself, to please join me as we make this presentation.

It was Fourth of July weekend when Officer Lettieri was due to go off duty at midnight, and they opted to keep the sector up and running, and it was very, very fortuitous, because as he was going on his rounds, he noticed smoke coming from a home over in Ocean Bay Park, and he went and he investigated. He broke in and found a woman sleeping, brought her out, then went back in with a fire extinguisher and was able to extinguish the blaze. And what •• besides saving this young woman's life, he saved probably countless of other lives, because anyone who has been over to Fire Island knows how close these homes are to one another, how most of them are wood construction, and when a house goes up, very often those in immediate proximity go down, too.

So, he put his life aside, and he has an awful lot in his life to put at risk. He's got a lovely wife, Eileen, and three wonderful young children who are here with him today, Tommy, James, and Erin. And I would ask Police Officer Don Lettieri if he would please come forward and accept this recognition.

OFFICER LETTIERI:

Thank you very much.

(Applause)

D.P.O. CARPENTER:

And I'm being joined by another Law Enforcement, a former Law Enforcement Officer, Legislator Caracciolo. And I have to tell you, when Legislator Binder spoke about this may be the only time we have a Presidential Scholar before this Legislature, these three young people that are sitting here seeing their dad recognized this morning, seeing that young woman recognized, hopefully, you will use that as inspiration to aspire to something like that one day. I'm sure, with someone like Don as your dad, and a very, very strong family who has a long, long history, I know the Lettieri Family, they have a long history of giving back to the community, and we are so very, very proud.

And I know this morning we are joined by the Commanding Officer of the Marine Bureau, Inspector Hal Jansen, if you would come forward, and also from the Commissioner's Office, Chief McElhone. Don, without further ado, thank you.

OFFICER _LETERI_:

Thank you very much.

D.P.O. CARPENTER:

We're really, really very proud.

(Applause)

D.P.O. CARPENTER:

Inspector Jansen.

INSPECTOR JANSEN:

Thank you. This day is about Don. However, we would just like to take a second to share some of the thoughts that he had when we brought him into the office and how humble he was about this. And he said to me, "Inspector," he said, "I was basically just out there doing my job, but I've done a lot harder things and we're never recognized for it." I said, "Don, that's not uncommon in law enforcement." We all do a lot of things that we consider to be in our daily routine. However, there's a young lady who's alive today because he was doing his job. He was out there and investigated a little bit further to find out where the source of the smoke was. And we're extremely proud of him in the Marine Bureau. Certainly, the Commissioner is very proud of him. And it was an opportunity for him to take the next step.

We have begun, as I may have mentioned before this Legislature, a training session for those officers that are steadily assigned to the beach to have them more familiar with some of the things that they're likely to encounter in regard of fire fighting. And I'm certain that Don would have went into that building with or without that training. However, he was able to safely get in there and extinguish this and save the property that Angie had

referred to, and for that, we're extremely grateful. Thank you, Don.

(Applause)

P.O. CARACAPPA:

Congratulations, and thank you on behalf of the entire Legislature. We're going to move to public portion now. I would just like to remind all speakers, you have three minutes. It's not a question and answer period, it will be your time and your time only. First speaker is Florence Ogg, followed by Kevin McDonald.

MS. OGG:

Good morning, everyone. My name is Florence Ogg, and I'm the Director of Archives and Collections at the Suffolk County Vanderbilt Museum. Our Director, unfortunately, couldn't be here, so I'm representing the issues at hand. And one of the issues that we have at the Vanderbilt is preserving the legacy and history of William C. Vanderbilt II.

If you've been to the estate, you've seen the amount of work that's been done with many capital projects. The one that we're asking now is for the money to replace the wiring and the lighting for the Hall of Fish.

Unfortunately, the curator who's involved of that area is not here, but I can tell you, if you've been to the museum, you'll realize the importance, safety and historically, of proposing this issue and allowing us to of the money for that project. If there are any questions or any other information you'd like to know, I'd be happy to address that.

P.O. CARACAPPA:

Okay. Thank you very much. Next speaker is Kevin McDonald, followed by Laura Ahearn.

MR. MC DONALD:

Good morning, Mr. Caracappa, members of the Legislature. I'm Kevin McDonald. I serve as Director of Conservation for the Nature Conservancy on Long Island, and I'm here to speak in favor of Resolution 1239, which is a bond resolution introduced by members Caracciolo and Vilorio•Fisher to •• which would be a 75 million dollar bond issue to be placed on the ballot this

November for the purposes of protecting open space, farmland, and active parks, and hamlet parks.

Nature Conservancy lends its strong support to this initiative. We urge members to vote affirmatively today to discharge this bill from the Legislature, so that it can be signed in a timely manner for the purposes of being placed on the ballot this November. We encourage your adoption of this today, because there isn't a whole lot of time. If you put it off, we won't be able to get it on.

The importance of putting this bill on the ballot is critical for a few reasons. One is to continue the aggressive land acquisition measures that the County has committed itself to in the last few years, is to protect drinking water, surface water, critical farmland and open spaces throughout the County. We're hopeful that you will act affirmatively and that it will be passed unanimously.

If there are any questions, I'll be just sitting here, and if there aren't now, I'll leave, because I know you've got a lot to do today. Thank you.

P.O. CARACAPPA:

Thank you. Laura Ahearn, followed by Carver Lewis.

MS. AHEARN:

Good morning. I'm here today with Yolanda Young and Carver Lewis. They are the parents of two children that were enrolled in the Play Play Play Day •Care Center in Nassau County. The owner/operator of that day•care center hired a Level 2 convicted sex offender, who was working directly with these parents' children. They brought this major problem to our attention, which now revealed a very huge gaping loophole in the day•care screening process.

Currently, State law requires that operators of day•care centers fingerprint those prospective employees and volunteers who will work in the center, but the problem is they send their fingerprints in and it can take up to eight weeks for those fingerprint results to come back, and meanwhile, those prospective employees and volunteers can actually work in the center on the

honor system that they don't have direct contact with children.

In this case, this owner/operator wasn't really following any of the regulations and didn't send in the fingerprint cards at all. However, what this situation has brought to our attention is a very huge problem in policy, because we can allow a convicted sex offender to potentially enter a day•care center and work there.

So, I'm here today in support of legislation that Legislator Vivian Vilorio•Fisher has introduced, and what that will do is strengthen screening requirements for day•care centers. It will require that the day•care center simply make one phone call. It's an 800 number to the State to verify the status of registration on any prospective employee or volunteer. Thank you.

P.O. CARACAPPA:

Thank you, Laura. Carver Lewis, followed by Richard Amper.

MR. LEWIS:

Good morning.

P.O. CARACAPPA:

Good morning.

MR. LEWIS:

I would like to thank you for allowing me to take this opportunity to address this issue, day•care providers not checking the New York State sex offender registry, and doing a background check on anyone living in a residence, including the employees and volunteers and assistants. Prior to them being hired as a result in this, it was very unfortunate that my children, along with other children, at Play Play Play Day•Care experienced the misfortune to be unsupervised and handled in the care of a registered Level 2 sex offender.

Emmett was left alone downstairs with the children most of the time. He flushes the toilet after the children uses it, that was the rule of the house. Emmett bathed, fed and changed my one•year old son's pampers, and not to mention, he tested the food in his mouth first to see if the food was warm

enough before he gave it to my son. We believe anyone convicted of a sexual crime should not work with children at all. We also believe if day •care centers have regular surprise visits, that this sex offender who have been caught.

We would like to take this opportunity to thank you on behalf of all the parents and children who could not attend today. All of our children deserve a safe environment in which they can think and grow to their full potential. The children are our future. If we don't protect them, who will?

We would like to thank Laura Ahearn from Parents for Megan's Law, along with Legislator Vivian Vilorio•Fisher, who is sponsoring this legislation, and all Legislators here today who will vote for passage of this law.

P.O. CARACAPPA:

Thank you, Mr. Lewis, we appreciate it. Richard Amper, followed by Edwin Tuccio. Good morning.

MR. AMPER:

Mr. Presiding Officer, good morning, members of the Legislature. Name is Richard Amper. I'm the Treasurer of the Long Island Environmental Voters Forum. I'm here for two purposes, one, to urge you to move swiftly and decisively with respect to placing on the ballot for November 2nd the Farmland, Open Space and Hamlet Parks 75 million dollar bond act. The public •• the people of Suffolk County are second to none in supporting these initiatives. They protect drinking water, preserve open space, help control taxes, and support our tourism and farming industries, and enjoy wide support from the civic leadership, the Farm Bureau, the environmental community, and the voters of Suffolk County. Give them an opportunity to extend this program, which enjoys a tremendous heritage, even a hallowed heritage. This County is second to none in land preservation, and it is absolutely essential to our economic and environmental survival that we do. I expect that you will do as well as you have done with the reforms of these programs, and that you will help continue the preservation effort.

We are less sanguine about the way nominees to the Suffolk County Planning Commission are being handled. I understand that you give great

deference to your fellow Legislators in their own districts, but these are Supervisor appointments in East Hampton and Riverhead. In the case of the Riverhead one, this has been sitting out there for seven months. If due diligence needed to be done, it wasn't, and that is in our judgement de facto hostage-taking. The Supervisors should be able to appoint these people. The Planning Commission frequently fails to have a quorum, and the East End is underrepresented at a critical time when you are about to approve large sums of money. I think we need to stop taking care of local County Legislators on appointments that should come from the Supervisors and from the towns.

It's time to move the Tuccio and Grenci appointments. And I've asked Mr. Tuccio to come and to follow me, just so you look at a man who, if you confirm him, will probably be •• have the highest credentials of anybody on the Planning Commission, and who is committed to the same conservation ethic I think this entire Legislature is. I'd like you to listen to him for a minute, and if you have any questions or pull him aside. If there's a reason why he shouldn't serve, this ought to have been brought forward previously.

You have asked that he not be an appraiser with the County and he has offered to do that. That has been confirmed. The County Executive has removed his name from that list, and he has agreed that once you confirm him, he will no longer ever apply again. He's trying to serve the community and would like to have you give him the opportunity to do that. I appreciate the continued spirit of bipartisanship. Thank you.

P.O. CARACAPPA:

Thank you, Mr. Amper. Edwin Tuccio, followed by Joe Gergela.

MR. TUCCIO:

Good morning. My name is Edwin Tuccio, I'm from Riverhead. I have been asked by our Supervisor to serve on the Suffolk County Planning Commission. Serving on commissions is nothing new to me. I've served on the Peconic Land Trust Board, on the Farm Select Committee, on the Suffolk County Watershed Protection Board on the _Hallockville_ , on Southampton College, on many, many •• I'm President of the Nationwide Foundation and

I'm Treasurer of our local foundation, our family foundation.

Just this weekend •• we're used to giving. Just this weekend, my wife and I hosted Breast Cancer Health fund•raiser and we raised tens of thousands of dollars to protect women in Suffolk County from this terrible disease.

I'm here to serve on this board. Be glad to answer any questions. You know I am a farmer. I •• we farm approximately 290 acres on the North Fork. I have owned a vineyard and winery. I am a real estate broker for the last 30 years. I am a certified general appraiser, which is the highest position an appraiser can get. So, if there's any questions, be glad to answer them. And thank you for taking this time.

P.O. CARACAPPA:

Thank you very much. Joe Gergela, followed by •• a little difficult. Hanslitch?

LEG. FOLEY:

Mr. Chairman, I just have a question to ask of you, not of ••

P.O. CARACAPPA:

Yes.

LEG. FOLEY:

If we would like •• if some of us would like to discharge •• there's a question of whether or not Mr. Tuccio's resolution was tabled subject to call at one of the General Meetings, or whether it was tabled subject to call in committee, and we're trying to determine that this morning. Whichever may be the case, if some of us would like to discharge that, either from committee, or bring it back from subject to call, the most appropriate time would be when we get to the agenda, or early in the day •• when would you ••

P.O. CARACAPPA:

Well, under our rules, you could do it at any time. But I'd say we'd wait until the end of the public portion, I guess would be the most appropriate time, if you'd want to move that bill out of committee.

LEG. FOLEY:

At least to debate it. Okay. Thank you, Mr. Chairman.

P.O. CARACAPPA:

You're welcome. Joe.

MR. GERGELA:

Good morning, Presiding Officer Caracappa, members of the Legislature. I'm Joe Gergela, Executive Director of Long Island Farm Bureau. I, too, am here to lend support to the Resolution 1239 and the bond act that we desperately need.

I would be redundant to get into too much details about this. I think you all know the circumstances that we're one step ahead of the bulldozer. We have several thousand acres of farmland that are available for preservation. We need the funding. This is a very important time for us. We need to get this out to the voters.

One thing that I would mention I don't think the other speakers mentioned regarding this is that this is basically going to cost each taxpayer in the County about \$11. That is a very •• I think a minimal impact on taxpayers to support the need for preservation.

American Farmland Trust did a study a few years ago and it was about the tax implications of development versus preservation. The tax implication for continued development is about \$1.40 in services for every tax dollar paid by residential development, versus about 40 cents on a dollar for taxes paid for open space. So, it's clearly in the best interest of the public to invest in preservation, versus allowing continued development all the time. We're not going to stop all development, but the point is is that this is a cheap investment for all of us to continue farmland and open space preservation in Suffolk County. And I thank you all. I know you're going to move this forward today, and thank you.

P.O. CARACAPPA:

Thanks, Joe. Okay. I'm going to try here, so please forgive me. Last name looks like Hanslitch, Hansitch. 315 East Main. Karila? No? Going once,

twice. Sold. Sue Grant. That one's much easier.

MS. GRANT:

That's easier.

P.O. CARACAPPA:

Good morning.

MS. GRANT:

Hi. Good morning, everybody. I'm here to address the Sense Resolution 57 that did not come out of committee recently, and I would like to address Ms. Carpenter and the folks that are on that committee.

You called me and told me that you tabled that resolution because you felt it was going to be killed. Now, this should be a no•brainer. All this is saying, that there are certain folks in this County who are operating an illegal economy, so that means they're not paying into the taxes. Why did this not pass? Why would this not just simply go through? There are certain folks in this County who are just operating outside the law, and we, as tax•paying citizens, should be protected. I think it's time that you folks got off the fence and start protecting the legal citizens of this County and the folks that are abiding by the law. Could you, please, tell me why this is not coming out of committee and when this will be put up again and what's going to happen to it?

P.O. CARACAPPA:

Sue, just so you know, this isn't a question and answer period, it's just strictly for you to speak.

MS. GRANT:

Okay.

P.O. CARACAPPA:

So, if you want to have your question answered, it would have to be off the record ••

MS. GRANT:

Okay.

P.O. CARACAPPA:

•• in a little while.

MS. GRANT:

All right. But I'd like to see you folks starting to do something about this, and just operate on the side of the law and protect the people of this County. Thank you.

P.O. CARACAPPA:

Thank you very much. Michael White, followed by Margaret Smyth.

MR. WHITE:

Good morning, Mr. Presiding Officer and members of the Legislature. My name is Michael White. I reside in Centerport, New York. I am the Chair of the Long Island Chapter of the New York League of Conservation Voters, and I'm also a member of the Statewide Board of the League.

It's a great opportunity to come before you this morning to stand with Dick Amper from the Pine Barrens Society and Joe Gergela from the Farm Bureau to speak in support of Legislative action to establish the 2004 Farmland Preservation Fund, Open Space Acquisition Fund, and funding for hamlet parks. We understand that this will be the subject of a Certificate of Necessity from The County Executive's Office this afternoon, and certainly encourage the entire Legislature to vote unanimously in favor of this.

And I want to thank this important initiative coming forward from Legislator Fisher and Legislator Caracappa •• excuse me, Legislator Caracciolo, and the important support that's coming from the County Exec's Office.

This important action will support the continuation of the County's acquisition of farmland development rights, critical open space, and ensure maintaining the quality of our life and the environment by the preservation of habitat, protection of groundwater, and continue farming, an essential element of our important Long Island heritage. Thank you very much.

P.O. CARACAPPA:

Thank you. Margaret Smyth. Margaret Smyth. Dr. Shirley Pippins, followed by P. Kenneth Komoski.

DR. PIPPINS:

Good morning.

P.O. CARACAPPA:

Good morning.

DR. PIPPINS:

I wish to again thank the Legislature both for your approval of our Capital Program, and for your thoughtful consideration of our Operating Budget, including pay equity for the leadership of our institution. I also must thank the Budget Review Office for its fair and thorough analysis of our budget, and special thanks go to the Higher Education Committee for putting forward Budget Amendment Number 1 and its bipartisan visionary support of Suffolk County Community College. Your bipartisan efforts send a powerful message of support for opportunity and access to higher education in this County.

It has been almost a year since I relocated to Suffolk County and became President•elect. Over the course of that year, I've met with faculty, staff, students, Legislators, community members, community and business leaders. Together we have formed the collective vision and set clear priorities. Already we're successfully addressing key areas in our vision.

One year later, several points are very clear. One, Suffolk County Community College is an outstanding institution, very much a part of the fabric of the life in this community. Our graduates seek to live and work in this community. They form the core of a world class workforce and the leadership of this County. Our joint goals of a college of excellence are within our reach. We have outstanding faculty, with credentials from the most prestigious institutions in this country, nationally recognized programs and services, and highly competitive national grant, innovative workforce and economic development initiatives. Our students are graduating and transferring to the most prestigious institutions in this country, saving

themselves and their parents thousands of dollars.

Clearly, a strong foundation has been laid in many years. As an institution, we are poised to make a giant step to the next level of recognition as an institution of higher education. The decisions we make today and in the next week will have a significant impact on the future of this institution, and also the job, career, and transfer opportunities for our students. To make that next step, we must have, first, resources to repair, maintain and improve our current facilities, the ability to create state-of-the-art learning environments for our students, and flexible state-of-the-art training environments for businesses. Good stewardship of our current resources will lay a strong foundation for future fund-raising. And we need those funds in a vehicle that does not create future structural problems. We also need respectful collaborative relationships that afford the College the autonomy needed for excellence in accreditation, and, at the same time, provides the Legislature with the standards and monitoring tools it needs to fulfill its responsibilities.

And, finally, we need to address the pay equity issues, which were exacerbated in 2000, when all other exempts in the County, except those at the College, were given salary adjustments. This will give the President and the College the ability to retain and recruit the best and brightest for the leadership at the College.

I thank you for your support in these three important areas, and commit myself to making you more proud of Suffolk County Community College in each passing year. Thank you.

P.O. CARACAPPA:

Thank you, Dr. Pippins. P. Kenneth Komoski.

MR. KOMOSKI:

I'd like to thank you, all you Legislators, for allowing me to speak here. I am a member of the Peconic Bay Quaker Meeting, and I'm here to urge you to reconsider being pressured by the Upstate business, industrial prison complex, and not allow a maximum security prison to be built in Suffolk County.

I'm very familiar with prisons in New York State. I've been the Clerk, that is the Chair of the New York State Quaker Prisons Ministries for over a decade, in the 1980's and into the '90's. I've been in prisons. I've been in maximum and minimum security prisons, the minimum security prison in Yaphank, where members of our meeting have worshipped with inmates.

I'm also a jazz musician, and I've been made very, very blue by this situation, and I'm going to sing you a little blues about it.

In the year I was born, the year of our Lord nineteen hundred and twenty•eight, one out of every 1,019 Americans was in jail. I say, in the year I was born, one out of every 1,019 Americans was in jail. But now we're at the new millennium, and one out of every 142 Americans is in jail.

Now, if that ain't crazy, I want you to tell me something that is. Now, if that ain't crazy, I want you to tell me something that is. But there is one thing you can't tell me, that these numbers ain't none of our biz.

'Cause it's our tax dollars, 75,000 a year for every inmate in a maximum security prison, right, that's keeping these people in jail. Yes, it's our tax dollars, 75,000 a year per inmate, that's keeping these people in jail. And half of them in Suffolk County are there because they don't have 100 or \$200 of money to meet their bail.

Now, if that ain't crazy, I want you to tell me something that is. I say, if that ain't crazy, I want you to tell me something that is. But there is one thing you can't tell us, that these figures ain't none of our biz.

Now, if you want to change this situation, become a model for this nation. Okay? Spend a little time and money on alternatives to incarceration. Yes, that's what I'm here to sing to you about. Because we got to end this situation, be a model for the nation, and let's start working on alternatives for incarceration for everybody who hasn't committed a violent crime.

(Applause)

P.O. CARACAPPA:

Legislator Bishop, I figured you might want to be •• do a duet with this gentleman based on your position.

LEG. BISHOP:

In three minutes I got through to more of you than I did in ••

P.O. CARACAPPA:

In three years.

LEG. BISHOP:

•• three hours of my speeches.

P.O. CARACAPPA:

We have our own American Idol. Okay. Mardythe DiPirro. Someone •• these microphones.

MS. DI PIRRO:

Yeah, that's a tough act to follow. I should have brought my guitar for support here. I'm Mardythe DiPirro. I'm Associate Director of Peconic Community Council, and we are working with other agencies and receiving a great deal of public support for finding alternatives to incarceration, instead of building a super jail at Yaphank and raising property taxes on our hard •working •• your hard working constituents. We are proposing among the following alternatives to incarceration.

Our situation is not unique, it's taking place across the country, and there have been some excellent programs developed, including pre•arrest programs, which include citations, giving citations to offenders without booking them through the arrest process, entailing a notice to appear or a desk appearance ticket, and eliminating unnecessary jail bookings. And I have here that examples of such outstanding programs are run in Bernalillo, New Mexico, and Jefferson County, Kentucky. I have the names of the contacts and their phone numbers that you could talk to.

Programs for the mentally ill through hiring police civilian police employees

with mental health training, and by creating training programs to help officers recognize mental illness, counties can divert people with mental illness away from jail and into emergency mental health care programs instead. Examples of such programs are in Fairfax County, Virginia, Santa Fe, New Mexico, San Diego, California.

Improving release procedures for pretrial and sentence populations ensure the people are moving through the system in a timely fashion, and this includes programs run in Saginaw County, Michigan, Broward County, Florida, Salt Lake County, Utah.

Monitoring and expediting detention cases. Hiring case monitors to continuously review jail inmates to identify those who could be diverted from the jail, or individuals whose cases could be diverted in some manner. An example of such a program that's run successfully is in Jackson County, Mississippi.

Pre•trial diversion. These can help alleviate jail crowding by releasing inmates before trial and providing essential services, including information about the defendant to help decision•makers make an appropriate pretrial release detention decision, provide the decision•maker with options for safely releasing the defendant, and finally have the capacity to monitor and supervise defendant's release before trial. Examples for such programs are in New York City, New York, Pima County, Arizona, Montgomery County, Ohio.

Bail reform. National studies show that most pre•trial inmates are those who cannot post a money bond or bail, which is certainly a situation which exists in our local prison. Instituting bail reform is a means of alleviating overcrowding of this population. Examples of successful programs are in Mecklenburg County, North Carolina, Maricopa County, Arizona.

Specialty courts, including drug courts, domestic violence courts, and mental health courts.

D.P.O. CARPENTER:

Please, sum up.

MS. DI PIRRO:

They're developed as a means to provide individuals with a sanction that includes treatment that would not be provided through the standard criminal justice system. It goes on, because the alternatives to incarceration are the most humane and helpful programs that we can offer to those people who have gotten into trouble, and they can save our County property taxpayers immense amounts of money. I appeal to you to consider these alternatives. And I'll turn these over. There's even websites here, phone numbers, names of contacts. You could ask about the ••

D.P.O. CARPENTER:

Thank you very much.

MS. DI PIRRO:

•• success of these programs.

D.P.O. CARPENTER:

Thank you. Next speaker, Louise Stalzer.

MS. STALZER:

Thank you. Louise Stalzer. Director of Peconic Community Council. Again, to follow Mardy •• again, to follow Mardy DiPirro and Ken Komoski with that great singing.

Again, we want to encourage as much looking at alternatives to incarceration. And I'm handing out also an example, a research that was done on the value of prison education. Just like to read quickly something from that.

The relationship between illiteracy and criminal behavior was established long before the Walnut Street Jail opened in Philadelphia in 1790, and remains as one of the major issues in corrections today.

A 1994 Arizona study found that 85% of the incarcerated population did not graduate from high school, and statistics from the U.S. Department of Education indicate that 65% of inmates are illiterate.

The average prison inmate is functionally illiterate, probably learning disabled, never had a steady job, was a juvenile delinquent, abused substances, came from a dysfunctional home with a history of abuse, has not gone beyond the 10th grade, and has an average IQ one standard deviation below the mean. Fifteen percent of prison inmates score below 75 on the Weschler Scale of adult intelligence, indicating a substantially higher than average rate of mental retardation, and 70% have no still or trade education.

There are striking differences between incarcerated adult learners and the nonincarcerated, and these differences make teaching inmates difficult. They're independent •• nonincarceration individual is independent and self •directed, has a variety of experiences to draw upon and bring to the learning situation, has educational goals dictated by current needs, and is motivated to learn based on solving real world problems. The incarcerated has every minute of life planned and programmed, not comfortable with independence and self•direction, has experiences too negative to draw upon, especially those dealing with education and authority, has current needs for safety, acceptance and freedom, which often preclude any new learning, and is removed from the real world as we know it.

The recidivism rates, the bottom line measurement for judging the success of correctional education is traditionally reduction of recidivism. In a 1989 study, it's reported that, overall, the offenders who earned a GED while incarcerated returned at a considerably lower rate, 34%, than those who did not earn ••

D.P.O. CARPENTER:

Excuse me, Louise, please sum up.

MS. STALZER:

Okay. It's •• I just went on the web, I just surfed some programs. There's numerous programs. Education is certainly one large reason to do that, drug abuse program is another one. We offer to help you in any way that we can to help to do this as an alternative to spending money to putting more and more people in prison. Thank you.

D.P.O. CARPENTER:

Thank you very much. Next speaker, Christine Fasano. Christine Fasano.

MS. FASANO:

Good morning. I'm Christine Fasano with the New York League of Conservation Voters, and I'm here to speak in support of a couple of bills and against one I.R. I just want to lend our support. My colleague, Michael White, already spoke in favor of I.R. 1239. I will not reiterate all the comments you've already heard this morning. I'll just remind you that, of course, it is on our environmental score card, being one of the most important bills you'll vote on this year.

LEG. VILORIA • FISHER:

It's hard to hear you. Speak closely.

MS. FASANO:

Oh, sure. The last thing I said is the only important thing which is that I.R. 1239 is on our environmental score card. Of course, it's one of the most important bills you'll vote on this year, environmental bills you'll vote on this year.

I.R. 1240, the Adopt a County Shoreline Program, I notice is on the agenda for today. I haven't had an opportunity to speak to Legislator Cooper about it. It does have the support of the environmental community. It's a program that's modeled, of course, on the Adopt a Highway Program, which has been very successful. Just reading the legislation, it looks like it would come at no expense to the County, so we urge your support of that bill.

And lastly, another bill, I hope it does not get taken up today, this is I.R. 1086. But I did see that it was on the agenda, it had been tabled to today. This would put the County's Division of Real Estate •• it would make them subject to Legislative approval. We think that this bill runs counter to the important legislation that's already been enacted this year to help expedite the land acquisition process, so we urge you to oppose this bill, should it come up. And that's all for today. Thank you.

D.P.O. CARPENTER:

Thank you very much. Next speaker, Tom Breeden.

MS. BREEDEN:

Good morning, Ladies and Gentlemen of the Legislature. My name is Tom Breeden. I'm president of the Middle Management Union, the Guild of Administrative Officers at Suffolk Community College, and I'm here to basically reiterate some points I made at the committee meeting last week.

The County budget is approximately 2 billion dollars. The total County contribution to the Community College is about 0.033 billion dollars, and I'm here to ask for an increase of 0.003 billion dollars, which is about 3 million dollars.

The basis for my request is there's several points. Since you last granted us an increase, our enrollment has increased by 16%, so we're handling 16% more students with no more from the County of Suffolk.

The Office of Budget Review has done their usual thorough review and have come up with energy costs that were perhaps underestimated, tuition, revenues that were several percent overestimated based on bad debt, and those I think were factored into the budget. But what I want to draw your attention to especially is Page 17 of the Budget Review's analysis of the Community College budget, which says 30 college positions would remain vacant under this budget.

Furthermore, on Page 25, you'll notice that the equipment budget for the Community College goes from 2.8 million to 1.8 million. Now, a 1% increase in your contribution to the Community College is about \$330,000, so you figure one mill is a 3% increase. So, even if we were to get a 4% increase, which I think is the feeling of the body at this point, it's not enough. We would need at least another 3% increase on top of four in order not to cut the equipment budget below what it was last year. If we're to fill any of those additional 30 positions that are slated to remain vacant, we need a 10% increase. This is not fluff, this is not fat, we need a 10% increase.

Finally, I'll mention that I know some of you were around when the 4% cap

laws were enacted. I cannot •• I do not know what the thinking was, but I could •• I could speculate. I would speculate that the intent of the cap law was that the average expenditures should not increase by more than 4% a year. That means if you gave us a 12% increase this year, that would comply with the spirit of the cap law in that the last several years we've gotten a zero percent increase. So, if we got a 12% increase now, it would have been as though we got 4% every year for the past years, except that we didn't get the money in the past. So, we would still be behind the eight ball if we got a 12% increase. I'm asking you for a 10% increase, which is 0.003 billion dollars. Thank you.

D.P.O. CARPENTER:

Thank you, Tom.

(Applause)

D.P.O. CARPENTER:

Next speaker, Kevin Peterman.

MR. PETERMAN:

Good morning. I had a handout for the committee meeting last week and, of course, I didn't want to leave anyone out, so, again, I have a couple of handouts, if I can do that. Thank you. And this doesn't count toward my time, I hope. Thank you very much.

Good morning. What I'm having passed around are a couple of handouts. One is a pie chart that shows the County contribution, the other is a chart showing us the exempt salary structure, and the other is a 4 million dollar bill. It's not real, so you can't use it for the campaign. But on the back, there are two charts that show the contributions from the sources of revenue from the different various sponsors, whether it's the County, the State, or the student tuition.

But I want to first thank you for your support in the past, and I want to thank BRO on their outstanding job on the College budget analysis. And I do direct your attention to that chart. What it does show is if we adopt •• if you adopt the County Exec's proposed budget, the students will be paying

40% of the freight. In other words, their tuition will be paying 40% of the operating expenses of the college. That does not include the fees that they pay, which is additional. So, we're looking at the County paying or contributing 25.6%, the State contributing 25.7%, and student tuition being over 40% of the revenue sources. So, I think that we need to increase the County contribution, so that we can lower tuition for our students. A \$430 increase in one year I think is just too much to ask for our students.

Last year the Community College conducted a nationwide search for a new President. In fact, the Legislature had some representatives on that committee. Dr. Pippins took the reigns of the College last November, and I believe she noted that there was an issue with the top leadership at the College. They needed to be compensated for the responsibilities that they have for a three-campus operation. Dr. Pippins, along with the Board of Trustees, have reduced the number of administrators, and developed a plan to correct this issue for about \$150,000. We're talking about a 138 million dollar budget and solving a problem, a real problem at this institution for \$150,000.

This Legislature is nationally recognized for cutting-edge leadership on issues like smoking and cell phones, and invite you to be a partner. I'd like you to help Suffolk County Community College to get on the national scene. We're on our way. We have national basketball championships, both men and women. We have an outstanding debate team. As a community college, we actually compete against NYU, Cornell, and other prestigious institutions and beat them.

We have a new President who's committed to just •• to doing just that, putting us on the national map. We have a dedicated faculty who want to be a part of that, and, I might add, a commitment from the Board of Trustees to hire more full-time faculty. Please, be a part of this goal. Give us an increase. Pierce the cap. Allow us to reduce the tuition increase. Support Suffolk County Community College. A 4 million dollar increase will make up for the past three years. When you vote today, please make it veto-proof. Thank you.

D.P.O. CARPENTER:

Thank you very much, Kevin.

(Applause)

D.P.O. CARPENTER:

Next speaker is Eric Alexander.

MR. ALEXANDER:

Good morning. My name is Eric Alexander. I'm the Director of Vision Long Island. We're a smart growth planning organization, and today we're here in support of the 75 million dollar Open Space and Environmental Farmland Preservation Bond Act to be placed on the ballot in November. We'd like to thank Legislators Fisher and Legislator Caracciolo for their initiative and leadership in putting this on the ballot.

Really, the only way to stop suburban sprawl throughout Suffolk County, which we're dealing with it in an increasingly difficult rate here, as far as land consumption, is to have a set of tools. We sometimes argue what those tools are. Environmentalists, builders, farmers, can legitimately, and community leaders can argue over the pure tools that we need, but it's largely unanimous that we need land acquisition tools, we need open space initiatives. And this bond would allow the leveraging of funding on the State level and on the local municipal level.

Certainly, throughout Long Island, we're seeing in Nassau County there's going to be an Environmental Bond Act on the ballot this year. We're fairly certain, we know the Town of Brookhaven is taking leadership in putting a bond act on the ballot. So, this just makes perfect sense to have these resources.

Now, we think this is the first stage of getting kind of the low hanging fruit or key environmental parcels by a pure bond. As we get to the next stage of more preservation that We're going to need to see, we'd like to see transfer of development rights, some TDR provisions. So, I think for future initiatives, we want to look at TDR provisions that can really have •• send receiving zones •• have receiving zones in the downtowns to promote workforce housing, to promote mixed use development and to promote

smart growth. So, the 75 million dollars is going to be a start, and we know we're going to need more in future years, so we need to start looking seriously at TDR's.

We sit on the Suffolk County Workforce Housing Commission and the Suffolk County Smart Growth Committee, and I know these things are debated, and many of you are part of those debates and dialogues.

So, just to wrap up again, we significantly support this initiative, and I think that you'll see smart growth advocates do support our key proponents of open space, and I think the ultimate goal for all of us is to preserve •• to preserve the open spaces in the key environmentally sensitive areas, but also think about where we can develop more densely in our downtowns and other commercial corridors. So, again, thanks for your leadership, and we'll be out there trying to get this thing through. Thanks.

D.P.O. CARPENTER:

Thank you, Eric. Next speaker is Ellen Schuler Mauk. Ellen? That's okay, take your time, don't run.

MS. SCHULER MAUK:

News 12 was asking me the same question. Thank you. My name is Ellen Schuler Mauk, and I'm President of the Faculty Association of Suffolk Community College, and I'm here, obviously, to support the Suffolk Community College budget, and to support what both Dr. Pippins and my colleague, Kevin Peterman, had said about the need for an increase this year for the County portion of the Community College budget. It's been three years since there has been an increase in the County portion, and we are in direly •• we are in dire need of having an increase this year, so that we can do the things that we have to do.

But I want to spend my time primarily, though, talking about the increases that are embedded in the proposal that the College gave you for the exempt administrators. And I know that it's highly unusual for a union to come in support of raises for administrators, particularly raises for administrators who are not union, administrators who are the exempt managers of the College, but I think that it's time that we recognize that we have a quality

institution, and that we have administrators who are running a very, very large operation.

Many of you were here in 1988 when we conducted a search after Bob Kreiling announced that he was stepping •• he was retiring from the presidency of the College, and those of you who were here will remember that when we conducted our search, we lost five of our top candidates, because the salary for the College President was not sufficient to attract national leadership to our institution, and we ended up with a candidate from probably our second tier of the second tier of candidates, and I think you all realized and you all were part of the Legislature when we had problems in terms of trying to address problems, and the President really was not able to handle the dynamics, and the politics, and the kind of academic challenges that we have here in Suffolk County. And after that, the Legislature did increase the salary for the President, so that we could be able to attract quality leadership.

And I'm happy to say that I think in this last search that we do have a very, very well qualified and a dynamic academic leader. But the leader can only operate as well as her team can, and we have a group of exempt administrators whose salaries are not comparable with any other institution locally for community colleges in New York State, and they certainly are not competitive when you think of the responsibilities that they have on three campuses, serving 21,000 students and a little under 2,000 employees. The amount of money that the College indicates that they need in order to begin to address this problem is \$150,000, and we think that that is, you know, a small amount of money to correct a problem that we think will go a long way in attracting qualified leadership, and that will really set the College course, the College team in the right direction, so that we can go toward that national prominence that we deserve. Thank you.

(Applause)

D.P.O. CARPENTER:

Ellen, thank you very much for your comments. There are no other cards signed by speakers. One more, okay. Eugene Wishod. You have three minutes.

MR. WISHOD:

Thanks. I just got in under the wire. Just very briefly on 1666, I represent Motor Parkway Associates. This is a resolution to authorize an agreement affecting the Windwatch sewage treatment plant.

The Legislature in 2001 approved an agreement, which has since been executed, to expand the Windwatch sewage treatment plant from 400,000 to 500,000 gallons, and Motor Parkway Associates has since executed about four connection agreements, two of which are with two particular homeowner ••

D.P.O. CARPENTER:

Gene, could you please raise the microphone and speak into it?

MR. WISHOD:

Oh, I'm sorry.

D.P.O. CARPENTER:

Thank you.

MR. WISHOD:

Okay. The Legislature approved the original expansion of the Windwatch plant in 2001 by 100,000, from 400,000 to 500,000, and Motor Parkway Associates has since executed four connection agreements with various entities that need gallonage, two of which are homeowners associations in the immediate vicinity and have secondary sewage treatment plants that are in very poor shape, and they are faced with consent orders of the Health Department to upgrade their plants, or failing that, to connect to the Windwatch plant, which is a cheaper alternative.

The resolution before the Legislature now, which has been approved by Public Works, is to increase the expansion, so that the plant will go from 400,000 to 650,000 gallons per day, rather than 500,000. It's an additional 150,000 gallon expansion. The purpose of the expansion is simply to accommodate the needs of other developments in the immediate vicinity of the Windwatch STP, and it certainly should have the effect of reducing the

operating expenses of the plant in the district by reason of the additional connections. And that's really all I have to say. If there are any questions, I'll be happy to answer them.

P.O. CARACAPPA:

Thank you, Mr. Wishod.

MR. WISHOD:

Thank you very much.

P.O. CARACAPPA:

I have no other cards. Anyone else wishing to be heard? Just state •• did you speak already?

MS. HANCLICH:

No. I had a card, but I passed.

P.O. CARACAPPA:

Okay. Just state your name.

MS. HANCLICH:

My name is Kamila Hanchlich, K•A•M•I•L•A, H•A•N•C•L•I•C•H. I'm from the Long Island Pine Barrens Society, and I'm here to support IR 1239. We got our land acquisition programs on track, and now we will need this money to protect and preserve the remaining open space and farmland before the final build•out occurs. So, please vote yes. Thank you.

P.O. CARACAPPA:

One more? Step up, state your name. I urge people to fill out cards as soon as they come here ••

MR. BENITEZ:

Yes.

P.O. CARACAPPA:

•• if they intend on speaking.

MR. BENITEZ:

Hello. How are you doing? I'm just here from Long Island Organizing Network. My name is Andres Benitez. We come here about building of the Yaphank jail. It's •• we just are basically trying to ask the Legislature to stand against the State and, you know, try to not support this, you know, unfunded mandate, because, you know, I don't think it's fair for Suffolk County to go over all these expenses, that, you know, that right now I don't think we can afford. Here I got support from people all over Long Island, so, you know, I just want to give this into the record, and that's it.

P.O. CARACAPPA:

Thanks.

MR. BENITEZ:

Thank you.

P.O. CARACAPPA:

Anyone else? Motion by myself to close the public portion, second by Legislator O'Leary. All in favor? Opposed? Abstentions? Public hearings •• public portions are now closed. What kind of quorum do we have available. One, two, three •• all Legislators, please, report to the horseshoe. We're going to go ••

D.P.O. CARPENTER:

Mr. Chairman, can I request like a two•minute recess, so we could take a bit of a break for those of us that have been sitting here.

P.O. CARACAPPA:

Sure, I'll recognize that. I'll actually give you a five•minute recess, but a real five minutes, Ladies and Gentlemen. We'll return at five•to.

[THE MEETING WAS RECESSED AT 10:55 P.M. AND RESUMED AT 10:58 P.M.]

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

(Not Present)

LEG. LOSQUADRO:

(Not Present)

LEG. VILORIA • FISHER:

Henry, I'm here.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Here.

LEG. ALDEN:

Me, here.

LEG. CRECCA:

(Not Present)

MS. BURKHARDT:

He's on his way.

LEG. NOWICK:

Here.

LEG. BISHOP:

Here.

LEG. MYSTAL:

Here.

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

(Not Present)

D.P.O. CARPENTER:

(Not Present)

P.O. CARACAPPA:

I'm here.

MR. BARTON:

18 present.

P.O. CARACAPPA:

18? Thank you.

P.O. CARACAPPA:

Okay. We're going to go to the Community College budget. We have, I believe, three budget amendments.

LEG. FOLEY:

Mr. Chairman, we're missing a number of Legislators.

P.O. CARACAPPA:

Yeah. Could all Legislators, please, report to the horseshoe?

P.O. CARACAPPA:

Mr. Clerk, were the budget amendments distributed?

MR. BARTON:

Yes, Budget Review distributed them. There are three. They're in a clip.

P.O. CARACAPPA:

Yeah, I only have one. Okay. Thank you.

LEG. ALDEN:

Mr. Presiding Officer.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

I'd like to take SCCBA Number 2 out of order.

P.O. CARACAPPA:

Legislator Alden makes a motion to take Suffolk County Community College Budget Amendment Number 2 out of order, I'll second that. All this favor? Opposed? Abstentions? Budget Amendment 2 is before us.

LEG. ALDEN:

I make a motion to approve.

P.O. CARACAPPA:

There's a motion to approve ••

LEG. BINDER:

Second.

P.O. CARACAPPA?

•• budget Amendment Number 2.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

I just want to try to clarify a couple of things for myself. And, first, I'm going to start and apologize to President Pippins, because she and I have been missing each other on phone calls, and I apologize that I didn't get a chance to talk to you before today.

I want to thank George Gatta, because George and I had a very informative conversation just a few days ago. And, no, we didn't even mention golf, we stayed right on subject and worked on some issues that I had with the Budget Amendments and some •• George brought out a lot of valid points and I took them into consideration, and I am still considering them today as I consider my votes on these.

Just to Jim Spero from our Budget Review Office, Jim, President Pippins made a comment before about •• that people at the College, the exempts at the College hadn't had a raise for a number of years, and I believe it was since 2000. Now, could you just refresh my recollection on that, because, normally, what's the process? We look at all exempts throughout the County and then try to do one resolution that would cover every exempt, and that would extend to the Community College also; is that not correct?

MR. SPERO:

The last resolution adopted by the Legislature, which increased exempt salaries, was in 2001, and covered ••

LEG. ALDEN:

And that increased the exempt salaries by ••

MR. SPERO:

It covered most of the exempts, and I don't believe it covered the Law Department, District Attorney, or Board of Elections, but it included all the other exempt salaries. It was for a three•year period, 2001, 2 and 3, and I believe the annual increases were about three•and•a•quarter percent.

LEG. ALDEN:

Okay. That's not a huge increase, but exempts in Suffolk County, including •• but that did include the College; is that not correct?

MR. SPERO:

Yes, it did.

LEG. ALDEN:

Okay. So about three•and•a•half a year for those three years. In your Budget Review analysis, and I believe it was about, what, 49 pages, 50 pages, what point did you make as far as how the County normally operates for exempts? Is that a normal procedure, that we look at all exempts throughout the County and not just take Suffolk Community College?

MR. SPERO:

Typically, that's how it's been done for the last several years. We did not recommend the increases and thought they should go through the normal route. However, that would be at the discretion of the Legislature ••

LEG. ALDEN:

Absolutely.

MR. SPERO:

•• to implement what the College has been requesting.

LEG. ALDEN:

And as of 2004 there is no resolution that's been forward •• brought forward, or been debated, or looked at as far as covering exempt salaries in Suffolk County then?

MR. SPERO:

No, not for this year, no.

LEG. ALDEN:

Okay. And that's something that possibly we'll be •• we'll be taking up towards the end of the year or from this point forward.

MR. SPERO:

Typically, it would track whatever happens with the AME contract, so if an AME contract is adopted, you could expect to see a similar type of agreement extended to the exempt employees.

LEG. ALDEN:

The resolution that I crafted, it should have been a mirror image of Budget Amendment Number 1, except for I think two things, right? Number one was the salary increases, which I feel we should look at on a county•wide basis, as we have done in the past, and number two, and I apologize to Legislator Foley, I left out his very worthy idea of putting in the Computer Science, Engineering and Mathematic Scholarship Program, but that's a stand•alone and I plan on supporting that. And I apologize to Legislator Foley for that omission. What is the net effect on the budget? We heard before \$150,000, as far as for the salaries.

MR. SPERO:

That's correct. There's an Appendix A attached to Resolution 1, which outlines the salary increases for the various individuals.

LEG. ALDEN:

Okay. The highest increase on those increases is, in dollars and percent, how much?

MR. SPERO:

I don't have the percentage. The dollars is \$21,346.

LEG. ALDEN:

And the lowest increase?

MR. SPERO:

\$3,276.

LEG. ALDEN:

All right. That runs a pretty good range. And I believe that we owe it to our constituents to fully discuss and develop a case either for or against making those kind of increases, because there's a quite significant amount of money. And I remember last year when there was an attempt made to raise increases and it ended up in Newsday, and I ended up with a bunch of phone calls from my constituents who stated that, you know, if we get a \$200 increase per year, that was a lot, and why should people that work for government get a 20, or a 15, or a 10,000, or a \$3,000 increase? And I said that it's a valid point, but sometimes it might be warranted. And I can look back to this Legislative body and there was an increase of, I guess it was almost a \$30,000 increase that was voted upon at one point in time.

P.O. CARACAPPA:

Seventeen thousand.

LEG. ALDEN:

Seventeen thousand? Okay. I stand corrected, it was a \$17,000 increase. I didn't support that, nor did I take that increase at that time. So, I think that things have to be looked at, and I feel that this is a rush to look at something that traditionally what we've done in Suffolk County is look at it in the whole, all the exempts in Suffolk County, and make the adjustment, as we have done in the past. And it was just pointed out that there was a three•and•a•half percent increase for three years, which, whether that was valid, whether that was too little, too much, you know, I'm not debating that point at this point, but just to point out the fact that there was some coverage in the past, and that's normally how we've done it.

So, I would urge my fellow Legislators to support my resolution and then

take up the very important work, as far as analyzing and giving this raise or these raises and this complete restructuring the time and effort I think that it deserves to look at it.

And the other thing I feel a little bit, well, not bad about, but I think in some way, shape or form, either I'm going to have to do it, or somebody's going to have to do it, we have to improve the communications process, because up until a few people that I have great respect for came up and spoke before about increasing the College budget more than 4%, I had no idea that that's really what you needed and that's what up wanted. And, in the past, I have •• I have actually opposed increases in the College budget for various reasons, but I've always had a good dialogue, and I believe that it was •• has been honest on both sides. This year I support a 4% increase, and I probably would have supported a larger increase had I been aware of some of the problems that were just brought up today.

I don't sit on the Educations Committee and, therefore, I would imagine that that's maybe one of the avenues that's lacking as far as a large presentation. But I think that this type of restructuring and even this whole process with the Community College budget maybe should be put on where it's two successive meetings of the Legislative body, so that all 18 members Legislators can participate to a greater extent that we have in •• or that I was able to in this process.

So, again, I would just repeat that I would encourage my fellow Legislators to support my resolution, which basically does everything that Resolution Number 1 does, except for the raises and the restructuring, and then we take that up and seriously debate that and discuss that over the next several sessions. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Alden.

LEG. VILORIA • FISHER:

Mr. Chair.

P.O. CARACAPPA:

I'll put on the list, Legislator Vilorio•Fisher. Again, we're debating Budget Amendment Number 2. Legislator O'Leary, Carpenter, then Vilorio•Fisher.

LEG. O'LEARY:

Yeah. I'd like to clarify one particular point that I think my colleague made with respect to raises for exempt administrators for the College. I am under the impression that the exempt administrators for Suffolk Community College have not received raises over a period of time, and then that they were not included with the raises of the other exempts throughout the County when they received the raises. Can you clarify that for me, Jim, please?

MR. SPERO:

The 2001 resolution did include positions at the College. I have it on •• I have the resolution on my desk, which I could get, if you'd like, and we can go over the positions. It included ••

LEG. O'LEARY:

Did or did not?

MR. SPERO:

It did include positions at the College.

LEG. O'LEARY:

And since 2001, have the exempts ••

MR. SPERO:

Right, this was in 2001.

LEG. O'LEARY:

Since 2001, three years ago, have the exempts received any raises at all?

MR. SPERO:

No. There's been no subsequent action to that resolution to effect raises for exempt employees ••

P.O. CARACAPPA:

Legislator O'Leary, just so you know ••

MR. SPERO:

•• at least as a class. There may be individual cases, but ••

P.O. CARACAPPA:

There needs to be a double sign•off after •• it was in the budget, but they need to be signed off by the County Executive and Presiding Officer subsequently for them to be enacted.

LEG. O'LEARY:

And that did not occur?

P.O. CARACAPPA:

No.

LEG. O'LEARY:

Okay. All right. So ••

MR. SPERO:

The sign•off does not require a resolution.

LEG. O'LEARY:

Right. But the sign•off did not occur, so ••

MR. SPERO:

Not for the College positions, correct.

LEG. O'LEARY:

So, therefore, the exempt administrators at the College have not received raises over the last three years.

MR. SPERO:

Just the raises that every other exempt employees received, the incremental increase of three•and•a•quarter percent.

LEG. O'LEARY:

That's contrary to the information I'm receiving. I'm receiving information that the exempt administrators for the Suffolk Community College have not received raises to any extent over the last three years.

MR. SPERO:

Gail's getting a copy of the resolution. We'll go over the exact titles. The titles are listed individually on the resolution. We'll go over that.

LEG. O'LEARY:

Well, I think that should be clarified, because, clearly, the information I've received is that they haven't received any raises, and I would certainly be supportive of them being on a comparable basis with their counterparts in Nassau County. I think, as President Pippins has made mention of, it's very important for recruitment purposes just to bring the status or stature, if you will, of the college administrators in Suffolk County, at least on an even keel and par with their counterparts in Nassau. So, I would urge my colleagues to be supportive of the pay raises for the exempts administrators for Suffolk Community College.

P.O. CARACAPPA:

Just a point of clarification, also.

LEG. O'LEARY:

Would you check that out, please?

P.O. CARACAPPA:

A point of clarification from my point of view, just so you know, and my colleagues know, and the audience knows. I have not received any what are called SCIN forms for raises for the Community College cross my desk this year. They had to be signed by the County Executive first, then sent to the P.O. I have not received those. Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. I've been listening to a lot of what's been said, and the one thing that I would like to say for the record is that I don't think we're

rushing here. I know that Legislator Alden encouraged us to put in the time and the effort and not rush to making a decision. I know that the President of the College, Dr. Pippins, has made herself available to discuss this as any other issue that comes up with the Community College. A white paper was developed on this very issue, and I don't know that we're really speaking to raises as much as we are speaking to pay equity, and that was a point that the Chair of the Education Committee, Legislator Nowick, made so well.

When you look at what vice presidents are making, and I'm not just using Nassau Community College as an example, although their range of salaries for vice presidents goes from 120,000 to 145,000, the range at Suffolk County Community College is 85,000. It starts at a benchmark of 85 to 122. Westchester Community College, \$138,000. Monroe Community College, \$118,000. And these are not colleges that have multi-campus, and these are not colleges that have the volume of students that we have at Suffolk County Community College.

And as we are trying to do the right thing for our constituents, I think it is very, very important that we move forward with Budget Amendment Number 1, support this equity issue for the salaries for the exempt positions, so that we are able to not only recruit, but retain the qualified people that it takes to run an institution of the stature of Suffolk Community, and to also continue to get that message out about the college to raise the level of appreciation, because I think, in very many cases over the years, Suffolk County Community College has not been appreciated for what it does. Yet, if you speak with your constituents, there is probably hardly a time that their lives in some way or other, whether it was their own personal experience or someone in their family, or a friend, who has had a positive experience with Suffolk County Community College. So, I think, again, for the constituents that we represent, for the College that makes a difference in so very many lives, it is important for us to go forward with Budget Amendment Number 1, to adjust the pay equity issue, and to finally •• and I applaud Legislator Alden for recognizing that we need to increase the County contribution to the College, because if we don't do that this year, we will be coming upon the fourth year that the College contribution has been flat.

P.O. CARACAPPA:

Thank you. Legislator Viloría•Fisher, then Tonna, then Foley.

LEG. VILORIA•FISHER:

I'm going to pass, Mr. Chair. Legislator Carpenter has stated all of my points.

P.O. CARACAPPA:

Thank you very much. Legislator Tonna, then Foley.

LEG. TONNA:

Thank you. In a previous life, I had the opportunity of being a human resource professional at a hospital, Saint Francis Hospital, in the late '80's, early '90's, and one of the things that you're always concerned about in the area of human resources is market compensation. Sometimes I remember negotiating with nurse salaries, for example, and the fact is, is that if another hospital paid more, you're •• you know, you're going to find that even though dedicated nurses moving up the line, the system, they're going to follow the money, because they have to take care of their families, they have to take care of the resources that they have. So, too, I think when talking about salaries and education.

And you think about it, and I've read the comparative studies that had been presented, and as Legislator Carpenter has so aptly put, when you're talking about management salaries, that in almost every other, Westchester, Nassau County, and you go right down to Community College, not to mention the private sector colleges and, you know, and institutions here on Long Island, not even to mention that, you're talking about basically having a drain of good talent, of people who have good administrative capabilities and stuff moving away from Suffolk Community College.

I think that probably every Legislator, when you start talking to constituents, you find that •• I'm kind of overwhelmed at times of how many people started at Suffolk Community College. That's •• you know, being a graduate from a four•year private school at NYU, you know, it just didn't hit me how many people really utilize the community college system and go on and do an awful lot of different things. This is a huge resource that we have here. We have a good resource. We put time and money in the capital

programs. We have over the past number of years with the past County Executive, and I think we'll find with this County Executive, we're going to make the College more of a priority. And I think that we need, if we're going to have this great infrastructure, and these great courses, and these great teachers, and their salaries and everything else, that we need good administration. When you think about it, that a public high school, an administration in a public school district is more highly compensated than we're asking on an academic level for those who are in the college level. That's pretty scary.

And so, I would suggest, after looking at this and looking at the comparative studies, market forces, I would say very much that this is something that should be supported. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Tonna. Legislator Foley, Alden, then Nowick.

LEG. FOLEY:

Thank you, Mr. Chairman. And I echo Legislator Tonna's remark. What I would add to it is the following: Having had •• probably one of the greatest experiences of my time in the Legislature was being a member of the College's presidential search committee, and we truly undertook a nationwide search, and we had some fascinating candidates from throughout the country. And what was the overriding concern of all of us was to hire a president who could realize the potential of our Community College. We wanted •• Mr. Chairman, can I have some attention, please? We wanted to have a president who could bring to the three campuses the ability to lead, the ability to aspire, and the ability to develop the curriculum, both academic and workforce development, that our citizens need. We also wanted a president who could give our College both state•wide and nationwide recognition for the excellence in the number of faculty and programs that are currently at the campus.

Now, Legislator Alden mentioned earlier that last year there was a move it try to increase the salaries. Many of us were opposed at that time, because a new President just came on board. We wanted to give the President at least one year's time to make some observations and judgments, and then

to submit to us the budget, with the approval of the board, submit to us a budget that will help her and help the administration and the Board to really realize the potential of that College.

Well, this is the President's first budget. Those of us who had given full confidence in her appointment, I would say let's move forward with a budget that's going to allow her to do the things that need to be done in order for the College to realize its potential, and I think Budget Amendment 1 is that vehicle that will be utilized in order to move the College ahead.

I also applaud Legislator Alden for agreeing that there needs to be a 4% increase, but we need to do a few additional things. As Legislator Tonna mentioned, in order to have an excellent organization, there has to be corresponding compensation. And, again, just as when we had restructured, and reconditioned, and rebuilt the science building on the Ammerman Campus, because the science building was inferior to secondary school laboratories, same holds true with faculty and administration. If we have administration officials who are paid far less, not just with adjoining colleges, but far less than secondary schools, there's a problem there.

So, we want excellence in the classroom, but we also want excellence at the top echelons of administration as well, and this pay equity issue is going to go a long way to ensure that we have excellence in the administration as we do in the classroom. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Foley. Legislator Alden, then Nowick. Legislator Alden.

LEG. ALDEN:

I want to thank Legislator Tonna for some of his comments, because, yes, a career that starts at Suffolk Community College could actually either culminate or wind its way through being a Legislator, too, so •• on the way to maybe something else, so I do applaud that.

I'm going to take myself back, though, you know, like to when I made the application to Suffolk Community College, and I'm not so sure that what

went through my mind was, you know, how much the administrators were being paid and how much they weren't being paid, but, you know, the excellence of Suffolk's reputation goes back to at least, you know, prior to four or five years ago when I went to Suffolk Community College. Now, actually, I went close to 30 years ago I went to Suffolk Community College. So, it's had a very excellent reputation in the community, and it's been a destination and a starting point from some people that, like myself, that might not have, you know, gone on, might not have been able to afford a four-year institution at first. So, it really is a •• you know, it's a credit to our community and it's a credit to the people that worked at Suffolk all these years that we've had that institution there.

I just wanted to ask a couple of more questions, though, because it just comes up. Has there been a decrease or an increase in enrollment? And I •

MR. SPERO:

Enrollment's been increasing, and for the coming school year, it's projected to increase another 3%.

LEG. ALDEN:

And how much is the increase over the past couple of years?

MR. SPERO:

I think it's been running around 3% a year, in that range, that neighborhood.

LEG. ALDEN:

Okay. That's a credit to the people that are there right now serving, and it's a credit to Dr. Pippins for coming on.

I just also want to find out, how many administrators have actually left their jobs because of •• over pay equity; is there an answer to that? Or, through the Chair, what would be an appropriate way to for me to ask that question?

P.O. CARACAPPA:

I appreciate you going through the Chair. Dr. Pippins, if you wouldn't mind just quickly answering that, if you have that information.

DR. PIPPINS:

We see it from two perspectives, people refusing to move up into leadership positions because they'd make more money at a lower level than they do at a top level. So, strong people within the organizations refuse to move into leadership positions, because they lose money by moving forward.

And since I'm up here, I would like to clarify the earlier question, since I was on the record. My understanding is that there was a pay adjustment in the Year 2000. We're not talking about raises, we're talking about pay equity, that there was an adjustment in 2000 when exempts were given an increase. And so, I just want to clarify the question that was answered earlier.

LEG. ALDEN:

Actually, I think it's going to have to be clarified further, because subsequent questions to mine produced, I think, a little bit of a different result, so Jim's getting the figures, I think, together.

I have another question, though, as far as comps. We've heard three comparables, and I guess it was Westchester and two others, that would indicate a need for greater increases in salaries. Are there any comparables in the system that would indicate that either equity has been achieved already, or are there any comps that come in at lower numbers? And I apologize, I don't have the report in front of me.

P.O. CARACAPPA:

Is there anyone that could answer that question, the comparable salaries for schools that equal or is •• or lower ••

LEG. ALDEN:

Maybe Dr. Pippins.

P.O. CARACAPPA:

•• to Suffolk Community College with ••

DR. PIPPINS:

I'm sure that my answer will be seen as self-serving, but we came forward with what we saw as the comparables. The cost of living in Suffolk is extremely high, so that when you move here, when you try to bring the best and brightest from around the country, it's almost impossible to get good people to relocate here. I mean, I moved from Virginia. It cost 40% more to live here than it did in Virginia, and those are the issues that we face when we try to recruit. People sometimes go through the whole process and then won't take positions, because they couldn't •• can't afford housing here and they realize they could make more in other institutions.

LEG. ALDEN:

Through the Chair, can I ask ••

P.O. CARACAPPA:

Yeah.

LEG. ALDEN:

Dr. Pippins, do I understand you, that only those comparables were used that would indicate, you know, a need for an increase?

DR. PIPPINS:

No. You're looking at the counties in New York State that are comparable to Suffolk, but I would invite others to come forward with other data that would dispute what I'm saying. So, we've given you the counties that we see as comparable in terms of salary and compensation, and in terms of demographics.

LEG. ALDEN:

So •• just so I understand what those numbers represent, that's what Suffolk Community College felt would be comparable to Suffolk ••

DR. PIPPINS:

Well, my impression, having been here this year, and sat through the review by the Budget Office, is that they don't take what we've said as given truth,

they go out and find out additional information. So, if they have other information, I invite them to bring it forward. I think they would have looked in this process.

LEG. ALDEN:

Jim, did you look at any other counties to see what the comparable positions with ••

MR. SPERO:

Yeah. On the top of Page 23 of our report, we compare Suffolk to Westchester and Nassau Counties, and I'll quote from the report. We find that while Suffolk's lowest current Vice President's salary is at 106,522, it appears to fall in between Nassau and Westchester's lowest Vice President's salaries of 124,813 and 86,266, respectively. Both Nassau and Westchester's highest actual Vice President's salaries are 151,515 and 138,464, respectively. They exceed Suffolk's highest current Vice President's salary, which is 122,044, and would continue to do so, even if the President's proposal is accepted," which would bring the salary up to 138,138.

LEG. ALDEN:

So, we have some categories where we exceed, some where we fall in the middle, and some where we're lower; is that •• is that fair?

MR. SPERO:

Yeah. The highest Vice Presidents' salaries are below what's being paid at other institutions.

LEG. ALDEN:

All right. So, that would •• all right. Thank you.

P.O. CARACAPPA:

Legislator Nowick.

LEG. NOWICK:

Yes. I think that I might be just a little bit more harsh on the College and

what it was 30 •• is this on •• 30, 35 years ago, because I, too, went to Suffolk Community College. And, at that time, it was a nice little school. It did not have the reputation that this College has today, and I believe this College has today because of the administrators that we have, because of the hard working administrators we have. And now Suffolk is a very competitive school, with many different programs to offer. And I know that wherever I go now, I hear only good things.

Denying what I would call parity and not raises, to not deny this could lead to losing very well qualified administrators. And even if we don't lose these administrators and we keep them, what happens when retirement comes and we have to bring in new administrators? We want the best of the best. We have a College here that has become one of the best community college •• community colleges I would say probably in the nation. That's what I'm hearing. These are good things. People now are proud to go to this school. Young people from high school are now very proud to say, "We go to Suffolk, we get it all, and we get it at a good price. Our parents can't afford to send us to institutions that are costing thousands and thousands of dollars, so we start here at Suffolk." And you want to know what? These credits can be accepted and are being accepted at some of the best institutions in the nation.

So, we have a good school. We want to keep it that way. And I believe that our very, very well qualified administrators deserve to work comparably and be on the same scale with the other community colleges.

P.O. CARACAPPA:

Thank you. Finally, Legislator Alden.

LEG. ALDEN:

Just to kind of correct the record, in 1970, we were nationally ranked in baseball, which I was on that team, basketball, I wasn't on that team, and lacrosse, among others. I've always been proud to say that I attended and graduated from Suffolk Community College, so that goes back, you know, a number of decades. And I think that those that attended with me, and I surely can speak for the guys that played with me on the baseball team, we have always been ready, willing and able at any point in time to say that we

were very, very proud of Suffolk Community College, and we were also proud of the academics that were offered at Suffolk Community College, because they prepared us. A number of us did go on and receive higher education and received other degrees, so it very well prepared us to compete with the other people that went on to •• were able to afford the private colleges. So, I, for one, and anybody that I know of that graduated with me or attended with me, have been always proud over the past 30 some•odd years to say that we went to Suffolk Community College. I've never had to be ashamed of that and I never will be.

LEG. NOWICK:

No, I think you misunderstood, I was not ashamed. But, by the way, I wasn't on the baseball team, and I actually was way before your time.

P.O. CARACAPPA:

Okay. We have Budget Amendment 2 before us. There's a ••

LEG. CARACCIOLO:

Whoa, whoa.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Jim, what is the ratio of administrators to •• whatever formula, if you will, that one uses in academic executions like the Community College; is there a ratio factor of how many administrators? We're talking here about certain line salary increases, but, overall, what is the ratio of administrators and what is the correct terminology?

MR. SPERO:

We didn't look at the ratio of administrators to say faculty or guild positions and compare it to other institutions.

LEG. CARACCIOLO:

Typically, in education, you look at faculty to student ratios. Is there such a

thing as administrators to faculty ratios?

MR. SPERO:

I'm sure we would •• you could come up with an analysis that looks at that. We did not look at that as part of our analysis of the College budget.

LEG. CARACCILOLO:

Within the State system, the State SUNY community college system, which of the other community colleges has three campuses, and is student enrollment as close proximity to Suffolk? I thought Erie County had.

MR. SPERO:

Yeah, I thought it did also.

MR. STEIN:

I think two.

MR. SPERO:

Two.

LEG. CARACCILOLO:

What about enrollment, who's •• when we talk about comps? Who's really comparable in terms, again, of what I'm looking for, the ratio of administrators to faculty or administrators to students.

MR. SPERO:

Suffolk is certainly one of the tops in enrollment. I believe Nassau has a higher enrollment than Suffolk. But outside of New York City, Suffolk has got to be among the top three in the state.

LEG. CARACCILOLO:

Okay. How do our faculty •• I mean, not faculty, administrative salaries compare with the CUNY system in New York City, the City Community College system; have we looked at that?

MR. SPERO:

The analysis we did was to comparing Suffolk to Westchester and Nassau

Counties.

LEG. CARACCILOLO:

So, you don't have the information with respect to the ratio?

MR. SPERO:

That's correct.

LEG. CARACCILOLO:

Because aggregates really tell the story here. What is the total administrative budget line for Suffolk Community College? What's being proposed in this reso •• not this resolution, Budget Amendment 1, versus what is current, the current salaries, total?

MR. SPERO:

Budget Amendment 1 would increase the salaries for the exempt salaries by \$140,000.

LEG. CARACCILOLO:

Total?

MR. SPERO:

We can look at general administration in the College budget.

LEG. CARACCILOLO:

Brian.

LEG. FOLEY:

Pardon me, if I could, through the Chair, and speak directly ••

Mr. Chairman, speak directly to Legislator Caracciolo. It's my understanding with the new President's arrival, I think at least two top administration •• administrative positions have been eliminated. So, while we don't know •• while we don't know the ratio, there has been elimination of some top administrative salary lines or positions in order to streamline the operations at the central administration.

LEG. CARACCILOLO:

I appreciate that. I appreciate that.

MR. SPERO:

General administration is about 5 million dollars out of the total College budget of 137.5 million.

LEG. CARACCILOLO:

So, as a ratio or a percentage, what does that correlate to?

MR. SPERO:

Two or 3%.

LEG. CARACCILOLO:

Two or 3%. That does not appear to be excessive to me, given what we see in our local school districts, where we have redundancy after redundancy with superintendents, assistant superintendents, and so forth.

I think, when you put it in its proper context, these are not unreasonable. Certainly, anyone can extrapolate and blow out of proportion the numbers before us. But, clearly, when you put them in context, that's not what's taken place here, and that's really the bottom line for the people we represent. If we saw an increase in administrative cost, if we saw additional administrators being added as we see in local school districts, then one would have to take a serious second look at the proposal, but that's not what's happening here. Hopefully, the facts will get reported. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Caracciolo.

LEG. FOLEY:

Move the question.

P.O. CARACAPPA:

All Legislators, please report to the horseshoe. Okay. On Budget Amendment Number 2, I have a motion and a second.

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call has been requested.

(Roll Called by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. BINDER:

Yes.

LEG. COOPER:

Abstain.

LEG. TONNA:

Pass.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

Yes.

LEG. MONTANO:

(Not Present)

LEG. LINDSAY:

No.

LEG. FOLEY:

Abstain.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

No.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Abstain.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

Abstain.

MR. BARTON:

Legislator Montano.

LEG. LOSQUADRO:

Henry.

LEG. CRECCA:

He's right here.

D.P.O. CARPENTER:

Right here.

LEG. LOSQUADRO:

Change my vote to an abstain, please.

MR. BARTON:

Yes.

LEG. CARACCILO:

Abstain.

LEG. MONTANO:

All right. Make mine an abstention.

MR. BARTON:

Legislator Montano.

LEG. MONTANO:

Abstention.

LEG. SCHNEIDERMAN:

Make mine, too.

LEG. MONTANO:

Abstention.

MR. BARTON:

Five.

D.P.O. CARPENTER:

I make a motion on Budget Amendment Number 1.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

The Budget Amendment Number 2 fails. There's a motion by Legislator

Carpenter ••

LEG. TONNA:

Second.

P.O. CARACAPPA:

•• to •• on Budget Amendment Number 1.

LEG. TONNA:

Second.

P.O. CARACAPPA:

Second by Legislator Foley, and Tonna and ••

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

•• Nowick. Roll call.

(Roll Called by Mr. Barton, Clerk)

D.P.O. CARPENTER:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yep.

LEG. BINDER:

Pass.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

P.O. CARACAPPA:

Yes.

LEG. BINDER:

Yes.

LEG. CRECCA:

Yes.

MR. BARTON:

17.

P.O. CARACAPPA:

Budget Amendment Number 1 is approved.

(Applause)

P.O. CARACAPPA:

Moving on to Budget Amendment Number 3. Motion by ••

MR. SPERO:

Mr. Chairman, that amendment's out of order, since it was contained in Resolution 1.

P.O. CARACAPPA:

Okay, it is in 1. Okay.

D.P.O. CARPENTER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Carpenter.

LEG. FOLEY:

Not so much out of order, it's moot.

P.O. CARACAPPA:

It's moot. It's included.

D.P.O. CARPENTER:

I would just, before we move on to anything else and off this, just thank Budget Review Office, and also everyone from the College that made themselves available and throughout this whole process.

P.O. CARACAPPA:

Yes. Thank you, Budget Review, College officials. You made the process easy for us to understand and to digest, and we certainly appreciate it. And I think I could speak on behalf for the Legislature, we're glad it's over. And moving on.

LEG. VILORIA • FISHER:

They spent a lot of time educating us, Mr. Chair.

P.O. CARACAPPA:

Motion to approve the Consent Calendar by myself, second by Legislator Montano. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

RESOLUTIONS TABLED TO AUGUST 10, 2004

P.O. CARACAPPA:

Moving on to tabled resolutions. ***1039 (Establishing Commission to study alternative form of County government)***. Motion by Legislator Binder to table, table, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1086 (A Charter law to create the Real Estate Acquisition Anti •Corruption Reform Act). Motion by Legislator Binder to table.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1108 (Amending the 2004 Capital Program and Budget and appropriating funds the offsite access of Public Records (CP 1747.110 and CP 1747.510). Is there a motion? Motion by myself. Is there a second?

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Second by Legislator •• this is a three•quarter vote. Second by Legislator Crecca.

LEG. LINDSAY:

Can we have an explanation, Mr. Chair?

P.O. CARACAPPA:

Explanation, Counsel.

MS. KNAPP:

This is a program for the County Clerk. It was a part of the Capital Budget discussion where the County Clerk would like to have off•site access of his public records. It's •• it would amend the Capital Budget by, and I'm going to ask Jim to make sure I'm correct about this, but adds \$350,000 in bond money?

MR. SPERO:

This was a pay•as•you•go project. The funding source is being changed

from pay•as•you•go to serial bonds. And the resolutions had to be tabled, because the local law that suspended pay•as•you•go for a two•year period has only just recently been adopted, and now the resolution can be moved. It will require 14 votes for adoption.

LEG. CRECCA:

Let's vote on it. Roll call.

P.O. CARACAPPA:

Legislator Carpenter, are you good?

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. CARACAPPA:

Yeah.

LEG. CRECCA:

Yeah.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. MONTANO:

No.

MR. BARTON:

13.

P.O. CARACAPPA:

It's approved.

MR. BARTON:

On the bond.

P.O. CARACAPPA:

Oh, I'm sorry, it's not approved, it's a 14•voter. That fails. Moving on to ***1109 (Amending the 2004 Capital Program and Budget and appropriating funds the replacement of outdated PC's (CP 1785.510).*** Same scenario. Legislator Bishop, go right ahead.

LEG. BISHOP:

I would •• I'm going to vote the same way, which is against it. I would, therefore, make a motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's tabled. ***1197 (A Local Law to amend Local Law No. 34•1987 to permit seizure of vehicles of unlicensed home improvement contractors).***

LEG. ALDEN:

Motion to table.

P.O. CARACAPPA:

Table, Legislator Alden, second by myself. All in favor? Opposed?
Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1313 (Accepting and appropriating excess revenues received from Hotel/Motel Tax). Same motion, same second.

MR. BARTON:

18.

LEG. CARACCILOLO:

Mr. Chairman.

P.O. CARACAPPA:

I recognize Legislator Caracciolo.

LEG. CARACCILOLO:

Thank you. And I know it's off subject, but I just want to conclude the record on the College budget, and I want to thank Legislator Foley for bringing it to my attention, the fact that two administrative positions were deleted, consolidated within the College administration. And when one looks at the salaries of those two individuals, the total comes to \$217,000, so there's still a net savings in this administrative budget over last year. Thank you, Mr. Chairman.

P.O. CARACAPPA:

Thank you. Legislator Tonna.

LEG. TONNA:

Just remember that when it gets vetoed and comes back.

P.O. CARACAPPA:

Very good. ***1500 (A Local Law to reform the awarding of Suffolk County government Contracts to restore public confidence).*** Motion

by Legislator Binder to approve.

LEG. BINDER:

I make a motion to table.

P.O. CARACAPPA:

Table. Motion •• okay.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's tabled. ***1524 (Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation).***

LEG. SCHNEIDERMAN:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Schneiderman, second by myself. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. VILORIA • FISHER:

Opposed.

P.O. CARACAPPA:

One ••

LEG. SCHNEIDERMAN:

Could I explain?

LEG. FOLEY:

Opposed.

MR. BARTON:

I'm sorry.

LEG. VILORIA•FISHER:

Yeah, please.

P.O. CARACAPPA:

Opposed, Legislator Viloría•Fisher, Legislator Foley, Lindsay.

LEG. SCHNEIDERMAN:

Yeah. I just want ••

P.O. CARACAPPA:

Let's just ••

LEG. SCHNEIDERMAN:

Yeah, you might change when you hear my reason.

LEG. VILORIA•FISHER:

Okay.

LEG. SCHNEIDERMAN:

Okay. Thank you.

MR. BARTON:

15.

LEG. SCHNEIDERMAN:

At the last meeting ••

P.O. CARACAPPA:

15. It's tabled.

LEG. SCHNEIDERMAN:

Okay. At the last meeting, you •• I had asked for some time to review these properties as the Head of the Parks Commission, and I have been asking some of the towns for some input. I haven't been getting input. Most recently, I got something from Village of Westhampton Dunes that would like one of the •• one of the properties, it's just a •• like an eight-foot wide access strip, which they would like, rather than putting a very small access strip at the parks. I'm waiting on Southampton Town. I should have this finished, and I spent a considerable amount of time on this, by the next meeting. It's only two weeks away. I'm asking for a little bit more time. There's no •• there's no rush on this.

LEG. ALDEN:

It's tabled. Let's go.

P.O. CARACAPPA:

1558 (To permit the construction of two(2) tap roads through property owned by "Starlight Properties" located in Yaphank, Town of Brookhaven). Is there a motion?

LEG. O'LEARY:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator O'Leary, second by Legislator Losquadro.

LEG. FOLEY:

Motion to table. 1558?

P.O. CARACAPPA:

Yeah.

LEG. FOLEY:

Motion to table.

P.O. CARACAPPA:

Excuse me.

MS. CAPUTI:

County Attorney's Office would like to be heard on this bill.

P.O. CARACAPPA:

Just in the future, send over prior notice that you'd like to be heard on certain bills. We appreciate it.

MS. CAPUTI:

Sorry about that. Good morning. I spoke on this bill before. This is Jacqueline Caputi from the County Attorney's Office, and we've raised various serious issues that we have with this bill. To our knowledge, they haven't been addressed, so we just wanted to state again on the record that we recommend against approval of this bill. Thank you.

P.O. CARACAPPA:

Okay. There's a motion to table, it takes precedence, by Legislator Foley. Is there a second?

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor on the tabling? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

LEG. FOLEY:

Roll call, please.

P.O. CARACAPPA:

Roll call on the tabling.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes to table.

LEG. VILORIA • FISHER:

Yes.

LEG. COOPER:

Yes to table.

LEG. TONNA:

Yes to table.

LEG. BINDER:

No.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

No.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

No.

LEG. LOSQUADRO:

No to table.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

No to table.

LEG. CARACCILO:

No.

LEG. TONNA:

Change my vote to a no to table.

D.P.O. CARPENTER:

No to table.

P.O. CARACAPPA:

No.

MR. BARTON:

Six.

P.O. CARACAPPA:

Tabling fails. There's a motion and a second to approve. All in favor?

LEG. VILORIA•FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Viloría•Fisher.

LEG. FOLEY:

Roll call, Mr. Chairman.

P.O. CARACAPPA:

Roll call has •• go ahead.

LEG. VILORIA•FISHER:

Mr. Chairman and other members of the Legislature, it's difficult for me to understand why the sponsor has not been willing to address this issue by introducing a Local Law to address this issue, because we're talking here about development rights. The development rights and the protection of those lands that have been designated to be protected in perpetuity by the County of Suffolk is the cornerstone of our Open Space Program, it's the cornerstone of our Environmental Protection Program. I don't believe that we should take the protection of development rights very lightly, and so I have said from the moment I saw this resolution that it should reach a higher standard of scrutiny, and that we should at least try to address this through a local law rather than a simple resolution. And it just seems to defy logic, and as far as I'm concerned, to be unwilling to introduce a Local Law which would call for a public hearing where the people of Suffolk County could be aware that we are overturning the protection of property through our Development Rights Program, and that we take it very seriously when we do that. So, I guess, because I'm asking a question, the sponsor seems to want to answer; is that •• Mr. Chair?

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

Yeah, I'll be •• I'll be happy to respond. This particular resolution, in so many words and a different venue, was addressed by this body in 1998. I'd like to point out that the sitting Legislative Counsel at that time, who's currently the Chief Deputy County Executive, and the Chairman of the Ways and Means Committee at that time, who is currently our County Executive, both were in agreement that the proper forum to address this particular type of resolution or this particular initiative is through the resolution process and not the Local Law. Our Legislative Counsel currently advises that this is an appropriate venue for purposes of addressing this resolution.

I might point out that it has little or no impact on the environmental

concerns. These are tap roads that are going into a buffer zone that was created as a result of the properties, the 98 some•odd acres that are currently in place for purposes of safety. The 30 •• the 30•acre buffer zone, which is about 200 feet wide around those 90 some•odd acres, were simply put in for the purposes of safety reasons in the event that there was a catastrophic event, like there is in Bellport with the Grucci Fireworks.

This particular proposal deals strictly with the owner of the properties attempting to subdivide the existing acreage into •• for industrial use, and he's made application for purposes of doing just that with the Town of Brookhaven. And in July of 2002, our Planning Commission, the Suffolk County Planning Commission, addressed this very issue and said, in the event in the future, if this acreage is subdivided for any reason, it would be beneficial to all concerned that tap roads be considered for any future development in the industrial properties adjacent to these properties.

So, in effect, I do recognize the fact that we have to be very careful of the development rights issue as it pertains to County properties. This is the exception to the rule, however. This is a case where the owner of the properties has receive approval to subdivide it by the Town, however, it was our Planning Commission, our Suffolk County Planning Commission that indicated that in order to do that, for safety reasons, access by emergency •
• a vehicle such as police or fire, that tap roads would be needed on the western boundary of these particular properties.

So, what this resolution does, and, again, I repeat that this was something that was addressed previously in 1998, and our prior Legislative Counsel and the Chairman of the Ways and Means Committee at that particular time thought that the resolution process was the way to go for the purpose of addressing this issue, not a Local Law.

P.O. CARACAPPA:

Legislator Foley?

LEG. FOLEY:

Thank you, Mr. Chairman. And I appreciate Legislator O'Leary's position on the issue. However, when you read through the "whereas" clauses, and

there's one "whereas" clause regarding the Town of •• Planning Board of the Town of Brookhaven having conducted a _ordinary_ review and designation, SEQRA lead agency, they issued a negative dec back in August 12th of 2002. However, when I read the backup to this resolution last month, there was an expiration •• a time period within which the applicant to the Town had to receive the approvals from the County. And I'm ready to be corrected, but when I had read through the backup, which was voluminous, you had to get it from the Clerk's Office, the deadline that the applicant for the Town had to receive all other approvals was May of '04, and we're now into August of '04.

So, the question that I would have, that if, in fact, that expiration date was May of '04, according to the backup that was submitted to our Clerk's Office, we not •• we may not be able to vote on this today, simply because the approval, in essence, has expired from the Town, and I don't think that we can move forward with our resolution until there's a •• until the Town reissues a new decision on that particular application.

LEG. O'LEARY:

Mr. Chair, it's my understanding, just in response to Legislator Foley's statement, that the conditional final approval was approved by the Town in November of 2003, and, yes, there was a covenant attached to that by •• a condition attached with May '04. It's my understanding that there's been an extension with respect to that issue pending the action of this body with respect to what's before us today.

LEG. FOLEY:

If I might say, Mr. Chairman, and I would go through our either Counsel or County Attorney's Office, I don't think we can vote until the Town is •• I don't think the Town can say that their action is going to be pending upon what we do. The way that it normally works is the Town first gives their conditional approval, and then we move forward with our own decisions. I don't think we can make a decision until the Town has made their decision. And, in essence, the May 2nd date has expired, and I don't believe that •• the way it's normally worked is the Town would move forward with their condition upon other town •• other entities approving it, but here it's something of a different approach. So, if we could hear from Counsel on this particular mark. Has the Town Planning Board issued a new •• a new

extension for the conditions that they contained in the original approval of the application? And if so, that speaks for itself, but I just need to know, and if that's been submitted to the Clerk's Office.

MS. KNAPP:

I don't know from my own knowledge whether or not the Town has extended the deadline.

LEG. FOLEY:

Could we pass ••

MS. KNAPP:

However, I can make a call very quickly to the Town Attorney's Office and find the answer to that, although it sounds like Legislator O'Leary may have already done that.

LEG. FOLEY:

If Legislator O'Leary doesn't mind, if we could ask the •• if we could pass over this with your sufferance, Legislator O'Leary, and have the Clerk's Office just look through the file and see whether or not there's been an updated extension or conditional approval by the Town on this particular application.

MR. BARTON:

I can check to see if anything's been added, but I don't recall receiving anything recently.

LEG. O'LEARY:

Yeah. I mean, the conditional approval was made in November of '03. If I understand Legislator Foley correctly, he's stating that that conditional approval was only up until May of '04.

LEG. FOLEY:

Expired May of '04, subject to all approvals being •• of other levels of government being in place by May of '04.

LEG. O'LEARY:

All right. I haven't seen anything in writing with respect to that myself. I have had conversation with members of the Town Board of Brookhaven, and, clearly, I was given the impression that the •• that the extension date was extended, pending the approval of this body.

LEG. FOLEY:

It may, in fact, be true what Legislator O'Leary is stating, but we need to see what is •• whether we have the facts in hand, or the paperwork in hand, the documentation in hand, especially dealing with this property.

P.O. CARACAPPA:

Well •• well, there's a list, I won't jump. Just, first, one question from me. Whose district is this in?

LEG. O'LEARY:

This is in the Third Legislative District.

P.O. CARACAPPA:

Your district?

LEG. O'LEARY:

Yes.

P.O. CARACAPPA:

Okay. Legislator Mystal.

LEG. MYSTAL:

Thank you. This is in response to Legislator Caracciolo in terms of reaching back. I know it's compulsive sometimes to reach back and also comforting to reach back to what other people have done, such as a former counsel, and also a former Legislator who is now the County Executive. I want you to entertain the idea that they may have been wrong at that time.

LEG. O'LEARY:

Thank you, Legislator Mystal.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

God rest Maxine's soul. I could hear her right now echoing, I think it was 12 budgets and 12 wrongs. Well, that was a flashback.

P.O. CARACAPPA:

You were right, he was wrong.

LEG. CARACCIOLO:

He was wrong, right. Mr. Chairman, I think, for the purposes of clarity, the suggestion that the process is being followed needs clarification, so whomever with whom that responsibility falls on, before we could pass judgement, I think we have to have that brought before us today, or if Mr. O'Leary's inclined to table the resolution.

LEG. O'LEARY:

Would •• I would ask a question of Legislator Foley. If we get a verbal from the Town with respect to the extension that we spoke of, we'll be able to move on this?

LEG. FOLEY:

I mean, a number of us have concerns about the proposal, but as far as process is concerned, especially with this property, where there's been issues with the property over a period of years. I just want to make sure, before we make any final determination yea or nay that we have all, not just verbal, and in all due respects to all parties involved, that we have, and to use terminology used by the former Legislator of this district, to we have in apple pie order all documentation that would clearly and explicitly show whether or not the Town in this case has extended the expiration date to a date later in time. There may be verbal assurances to that, and I'm not going to question the voracity of the Town official that you speak with, however, I think, given the importance of the property, and it's adjacent to a large County holding, I would feel more comfortable, before we make a decision yea or nay, that we have the actual documentation in hand that shows us unequivocally that there is an •• that we have •• that the expiration date hasn't come and gone, and that there is a new expiration

date, because if, in fact, we find out after the fact, through no fault of anyone, but that the official documentation has not been submitted to the Clerk's Office, and we approve something which, in fact, shows that it has no longer has the formal approval of the Town, well, then I think we be in the rather embarrassing position.

LEG. O'LEARY:

I agree, and for that reason, I would suggest to the Chair that we hold off on moving on this until we get further word from the Town, either via a fax or official documentation, verifying the extension.

LEG. FOLEY:

Thank you, Legislator O'Leary.

P.O. CARACAPPA:

The call's in now. We'll skip over it. Legislator Mystal, do you still want to be heard?

LEG. MYSTAL:

A short question to Legislator O'Leary. Normally, I'm very supportive of district•sensitive or district•specific resolution. This one, the only problem I'm going to have with it is the fact that it not only affects your district, but it's an overture, an opening door to dealing with development rights that we have acquired in this County, and opening the door for other people to come in and say, "Can we somehow waive our development rights, so we can do this," because that's my only problem with it. Otherwise, I really couldn't care less if you have, you know, 15 tap roads on that.

P.O. CARACAPPA:

Thank you. Moving on. We come back. 1524, is there a motion? I'm sorry, **1591 (Authorizing execution of agreement by the Administration Head of Suffolk County Sewer District No. 3 • • Southwest with the owner of KFC/LJS Restaurant (HU•1433)).** My apologies. Is there a motion?

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1592 (Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 3 • Southwest with the owner of 110 Sand Company (HU•1040)).

LEG. BISHOP:

Same motion.

P.O. CARACAPPA:

Same motion, same second, same vote.

MR. BARTON:

18.

LEG. BINDER:

Opposed.

MR. BARTON:

17.

P.O. CARACAPPA:

1597 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with updating and implementing the official map of Suffolk County (CP 7181)).

LEG. CARACCILO:

Motion.

P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo.

LEG. FOLEY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. This is three•quarter vote. Changing a ••

LEG. ALDEN:

Explanation.

P.O. CARACAPPA:

Changing a method of financing. We had to hold up on this.

LEG. BISHOP:

Is this 5•25•5?

P.O. CARACAPPA:

It was, yeah.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

There's a motion to table by Legislator Bishop. 1597.

LEG. FOLEY:

Mr. Chairman. Mr. Chairman, on the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. MYSTAL:

Explanation.

P.O. CARACAPPA:

What motion?

LEG. FOLEY:

There's a motion to table.

P.O. CARACAPPA:

Is there a second?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden.

LEG. CARACCILO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Foley, then Caracciolo.

LEG. FOLEY:

Thank you, Mr. Chairman.

LEG. TONNA:

1591, can you change my vote to a no? I didn't want to table it.

LEG. FOLEY:

I see Mr. Zwirn present, but I also would like to speak •• have Mr. Isles come to the podium through the Chair, if that's fine with you.

LEG. TONNA:

1591, I want to vote against the tabling motion.

P.O. CARACAPPA:

Yep. Make just a quick explanation, Tom, if you could.

LEG. TONNA:

Okay?

LEG. FOLEY:

Mr. Isles, could you just explain the importance of the resolution?

DIRECTOR ISLES:

Yes, I will, sir. This resolution is the appropriate some capital funds that were approved last year in the Capital Program, Capital Budget for the completion of the official map. By way of recollection, the Legislature passed a resolution in 1999 directing that an official map of the County be completed, and specifically directing the Planning Department to do that work.

LEG. NOWICK:

Opposed to tabling that one, too.

DIRECTOR ISLES:

We were given a deadline of January of 2005, January 15th, to have this map to you, and you have given yourself a restriction saying that you will have the review of this completed by the end of 2006. It's kind of an involved process.

We've been doing a tremendous amount of work to get the official map done. The final step we need to do is actually get the production out, so we can deliver it to you in January of '05. In order to do that, we requested the capital funding last year to the tune of \$200,000. We've reduced that this year to \$125,000, and so we would respectfully your approval of this resolution, so that we can complete this project and deliver it to you in a timely fashion.

D.P.O. CARPENTER:

Thank you, Tom. Legislator Foley, are you ••

LEG. FOLEY:

I'm going to make a •• I'm going to oppose the tabling motion, and, hopefully, we can approve this today.

D.P.O. CARPENTER:

Okay. Legislator Caracciolo.

LEG. CARACCILOLO:

I did make a motion to approve, and now we have a tabling motion before us. So, with respect to the tabling motion and the timetable that you just outlined, is there any reason why •• I think the Legislator from the Fourteenth District may have a problem, not with the resolution, but the funding alternative, which he'll to if I'm right or wrong. But, in any event, can that deadline time line be adjusted?

DIRECTOR ISLES:

It would have to be done by you. We don't •• I don't have the authority, the Planning Department doesn't have the authority. I would like to hope that we can get the project done and not have it lingering in the department. We have other work we'd like to start on in January with the Comprehensive Water Resources Management Plan. So, certainly, if you deem to delay the project, certainly, you can do that. I would prefer not to do that.

LEG. CARACCILOLO:

Okay, I understand stand that. And what is the essence of having an official map of the County?

DIRECTOR ISLES:

The official map of the County is provided for in General Municipal Law. Towns, villages, and counties can adopt official maps. I believe this originated out of a recommendation of a Blue Ribbon Commission in the mid '90's looking at efficiencies in government and so forth. But here again, it was put into Local Law in 1999. But the purpose of it is to aid the County, as well as the municipalities, in planning for road projects, community facilities. We're under the official map to show Federal capital projects, State capital projects, County capital projects that involve land, and so forth, so we've been collecting all this information.

So, it's going to have I think two purposes. One is a specific purpose in

terms of providing a central source of information for all County agencies and departments to use on that type of information. And then, secondly, it's going to have a collateral benefit that we're creating an electronic data base of this formation that we think could be used by other departments for all sorts of other research information in other County projects and so forth that we're doing.

LEG. CARACCILO:

Thank you, Tom.

P.O. CARACAPPA:

Okay? There's a motion and a second to table.

LEG. BISHOP:

On the tabling motion.

P.O. CARACAPPA:

Go ahead.

LEG. BISHOP:

Two quick points. The first to my colleagues, the reason I'm tabling this is because on the last vote that pressed the 5•25•5 issue, the resolution went down, so the tabling was offered as a way to keep the resolution alive until a later day, when we can resolve the issue altogether. But on the substance of it, obviously, the project is good. Almost all of these projects that seek to use borrowed money are good projects. The problem is that they seek to use borrowed money when we initially contemplated paying for it as we went along. That is the correct way to do budgeting.

We have an administration that is doing a fantastic job of cutting the cost of government. There must be surpluses at various accounts, and that would be wiser for this administration and the Legislature to join together, identify where surpluses are, and pay for these projects that they want with funds that exist from current revenues. That would be best for taxpayers in the long run and it would be the right way to go.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

The resolution indicates we're talking about a \$125,000 bond. Jim, given the cost of money today to the County and the capital markets, how much money would it cost to actually finance this project?

MR. SPERO:

If you give me a couple of minutes.

P.O. CARACAPPA:

Jim, while you're looking up, just go move on to Legislator Vilorio•Fisher's question.

LEG. VILORIO•FISHER:

I would just •• Dave, if you could just bear with me. This is \$125,000. Can you just tell me how that plays into the 5•25•5?

LEG. BISHOP:

A hundred and •• if I'm not mistaken, all of these projects are projects that were initially going to be covered by operating expenses, and that's why they're up for resolution now, because they're changing the method of financing to bonded money.

LEG. VILORIO•FISHER:

But how did it qualify for 5•25•5?

LEG. BISHOP:

I don't know.

LEG. VILORIO•FISHER:

Because the amount is a lot higher than, obviously, what would be the criteria to be under the 5•25 ••

LEG. BISHOP:

Direct it to Budget review. I don't know why it needs a change in the financing.

MR. SPERO:

It's also ••

LEG. VILORIA•FISHER:

Jim, can you tell why it would have been under 5•25•5?

MR. SPERO:

It's also the life of the project.

LEG. VILORIA•FISHER:

Which is 25 years.

MR. SPERO:

Right. In this case, about five years, so ••

LEG. BISHOP:

It's recurring.

MR. SPERO:

So, if we bond the project for five years, to answer Legislator Caracciolo's question, the debt service would be a total of \$137,213 over the five•year period. Does that answer your question?

LEG. CARACCILO:

Yes.

MR. SPERO:

If it's a recurring project or a project with a useful life of less than five years or less, then it's pay•as•you•go.

LEG. VILORIA•FISHER:

Jim, since it was •• since the project is satisfying the charge of a specific resolution, would it still qualify as a recurring project? The resolution did not state that this would have to be done every •• that this would have to occur periodically, did it?

MR. SPERO:

No. I mean, the requirement to have an official map, I believe, is contained in the Charter, but you would not update it every •• you'd update it once every several years.

LEG. VILORIA•FISHER:

So, then how would it qualify as a recurring project?

MR. SPERO:

We assumed, when we did last year's Capital Budget, that it had a five•year useful life for bonding purposes.

LEG. VILORIA•FISHER:

Okay. So, the criteria of the five•year life, rather than recurring project ••

MR. SPERO:

Right.

LEG. VILORIA•FISHER:

•• is the criteria to which you're referring. Okay. Thank you, Jim.

P.O. CARACAPPA:

Jim, do you have the answer to Legislator Caracciolo's question?

LEG. BISHOP:

Yes, he answered it.

P.O. CARACAPPA:

Oh, I'm sorry. Thank you.

LEG. ALDEN:

Just a point of clarification.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Jim, how much was that again?

MR. SPERO:

\$137,213.

LEG. ALDEN:

And the project is how much?

MR. SPERO:

A hundred and twenty•five thousand.

LEG. ALDEN:

So, more than doubles the price of the •• right?

MR. SPERO:

No. The debt service would be about ten •• \$12,000 additional.

LEG. ALDEN:

Oh, all right. Oh, that's ••

MR. SPERO:

That's the total amount.

LEG. ALDEN:

Oh, okay. P and I.

P.O. CARACAPPA:

Yes, principal and interest. Okay.

D.P.O. CARPENTER:

One question.

P.O. CARACAPPA:

There's a motion •• yeah, Legislator Carpenter.

D.P.O. CARPENTER:

When was the last time the map was updated?

LEG. FOLEY:

With the Donegan Patent.

DIRECTOR ISLES:

In reading the •• your 1999 resolution, it was supposed to be done for 1974. It was not completed, so in 1999, you said do it now, by 2005. So, I don't think it's ever been done.

D.P.O. CARPENTER:

So, like 30 years? So, from '74?

DIRECTOR ISLES:

'74, it was supposed to be done, it wasn't done. There was some work done, but it was never adopted.

D.P.O. CARPENTER:

Okay. So, on past history, it seems like the chances of it having a useful life of more than five years is very great.

P.O. CARACAPPA:

There's a motion to table and a second. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Who's in favor of tabling, raise your hands. Legislator Bishop, Legislator Alden.

MR. BARTON:

Two.

P.O. CARACAPPA:

There's a motion to •• that fails. Motion to approve and a second already being established. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

No.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

16•2 on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1613 (Amending the 2004 Capital Budget and Program and appropriating funds in connection with the installation of traffic signals on various County roads). Motion by myself, second by Legislator Foley. Roll call.

(Roll Called by Mr. Barton, Clerk).

P.O. CARACAPPA:

Yep.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Yes.

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes. Yes, yes.

MR. BARTON:

This is on 1613.

LEG. BISHOP:

Mr. Chairman, which one are we on?

P.O. CARACAPPA:

1613.

LEG. BISHOP:

You said the companion resolution.

P.O. CARACAPPA:

I said same motion, same second, same vote on the companion resolution, and then we moved on 1613. There was a motion and a second, and we're

in the middle of a roll call.

(Roll Call Continued by Mr. Barton, Clerk)

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. BISHOP:

Change my vote to an abstention, please.

MR. BARTON:

17, 1 abstention on the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

1622, page 7, ***(Establishing new County policy on use County Clerk's Office for title examination purposes).***

LEG. CRECCA,

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Crecca, second by myself. All in favor?

Opposed? Abstentions?

LEG. VILORIA•FISHER:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Viloría•Fisher.

LEG. MYSTAL:

Opposed.

LEG. MYSTAL:

And Legislator Mystal, and Legislator Montano. Pile on. Legislator Foley.

MR. BARTON:

And the motion was to table?

P.O. CARACAPPA:

No, it was to approve.

MR. BARTON:

Oh, to approve. I'm sorry.

P.O. CARACAPPA:

Sorry, to table. I'm sorry. And they opposed the tabling, so it should be four.

LEG. FOLEY:

Please, call it Henry.

LEG. CRECCA:

Foley, Montano, Bishop, Lindsay and Mystal all oppose tabling.

MR. BARTON:

Thirteen.

P.O. CARACAPPA:

It's tabled. ***1638 (Authorizing the extension of a lease of premises located at 375 Commack Road, Deer Park, NY for the Second District Court).***

LEG. BISHOP:

Motion to table for one meeting, please.

P.O. CARACAPPA:

Motion to table by Legislator Bishop for one meeting.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloría•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1638 is tabled. ***1640 • Authorizing the extension of a lease of premises located at 1330 Motor Parkway, Hauppauge, New York, for use by the Department of Health Services.***

LEG. CRECCA:

Motion to approve.

P.O. CARACAPPA:

Motion to approve by Legislator Crecca, second by Legislator Foley. All in favor? Opposed? Abstentions?

LEG. ALDEN:

Abstain.

P.O. CARACAPPA:

One abstention in Legislator ••

LEG. CARACCIOLO:

Opposed.

P.O. CARACAPPA:

Legislator Alden.

MR. BARTON:

16•1, and 1 abstention.

D.P.O. CARPENTER:

Abstain, too.

LEG. BISHOP:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Carpenter is an abstention as well.

MR. BARTON:

15.

LEG. CRECCA:

Henry.

MR. BARTON:

Yes.

LEG. CRECCA:

Mr. Presiding Officer, motion to reconsider •• I am on the prevailing side.

LEG. BISHOP:

You're not. I'm on the prevailing side.

LEG. CRECCA:

No, on 1640.

LEG. BISHOP:

No.

LEG. CRECCA:

The one we just did. Motion to reconsider 1640. I'd like to table it one more session, so that's why I'm making a motion to reconsider. It's in my district.

LEG. CARACCILOLO:

Second.

P.O. CARACAPPA:

There's a motion to reconsider •• what number again?

LEG. CRECCA:

The one we just did, 1640. I apologize.

P.O. CARACAPPA:

1640.

LEG. FOLEY:

Just on the motion, Mr. Chairman.

LEG. VILORIA • FISHER:

On the motion.

LEG. FOLEY:

Thank you, Mr. Chairman. Legislator Crecca, are there certain concerns you

have that you wish to state on the record or ••

LEG. CRECCA:

No. I just wanted •• I want to be able to have a little bit more of an opportunity to reexamine this, since it is in my district. I thought it was something else.

P.O. CARACAPPA:

So motion to reconsider 16 ••

LEG. FOLEY:

Do you intend •• you intend to speak with the County Executive about the •

LEG. CRECCA:

Yeah. I'll have an answer by the next meeting.

LEG. FOLEY:

Because he's the sponsor of it.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions to reconsidering?

MR. BARTON:

18.

LEG. CRECCA:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

LEG. BISHOP:

Mr. Chairman.

P.O. CARACAPPA:

The second was Legislator Alden. I recognize Legislator Bishop.

LEG. BISHOP:

Thank you, Mr. Chairman. I was on the prevailing side on 1108. That was a 5•25•5 resolution that was defeated earlier.

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

I make a motion to reconsider for the purpose of tabling.

P.O. CARACAPPA:

Motion to reconsider.

LEG. FOLEY:

Second.

LEG. BISHOP:

1108.

P.O. CARACAPPA:

1108, by Legislator Bishop, second by Legislator Alden. All in favor? Opposed? Abstentions? 1108 is now before us. Motion to table by Legislator Bishop, second by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

18 on both votes.

P.O. CARACAPPA:

Thank you. Moving to Page 8, Budget and Finance.

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

Before we go to the Introductory Resolutions, can we go back to 1558? We received some information from the Town of Brookhaven.

LEG. VILORIA • FISHER:

It's not here yet.

LEG. O'LEARY:

Oh, it's not here.

P.O. CARACAPPA:

Going back to Page 6.

LEG. BISHOP:

It's not here yet.

LEG. O'LEARY:

It's not here yet, it's on its way. They're faxing over the verification of the extension.

P.O. CARACAPPA:

1558.

LEG. BISHOP:

He wants to wait until he gets it back.

LEG. O'LEARY:

Yeah, wait until we get a hard copy.

BUDGET AND FINANCE

P.O. CARACAPPA:

Very good. Page 8, **1647 (To readjust, compromise, and grant refunds**

and chargebacks on correction of errors/County Treasurer by: County Legislature #190). Motion by myself, second by Legislator Carpenter. All in favor? Opposed? Abstentions?

MR. BARTON:

Motion is to approve?

P.O. CARACAPPA:

1734. We have to table.

MR. BARTON:

18.

ECONOMIC DEVELOPMENT, HIGHER EDUCATION AND ENERGY

P.O. CARACAPPA:

(1734 • Confirming appointment of County Commissioner of Economic Development (James Morgo). Just for explanation, the reason why we have to table a few of these that we laid on the table at the last General •• Special Meeting is that we didn't comply with the Seven•Day Rule. So, what I will do is add these on as late•starters this evening or this afternoon, so that we do comply, and it's for no other reason than that,so ••

LEG. CRECCA:

Which one is that?

P.O. CARACAPPA:

1734 has to be tabled, just so we comply, and there's no •• there's no shenanigans down the road with noncompliance, or anything of that nature, trying to work to together.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo. Just let me call it out. All in favor? Abstain?

MR. BARTON:

18.

P.O. CARACAPPA:

Okay, it's tabled. I recognize Legislator Caracciolo.

LEG. CARACCIOLO:

I would respect and request your view on when we could take up 1239. That's the new 75 million dollar environmental bond resolution.

P.O. CARACAPPA:

Isn't it coming over?

LEG. VILORIA • FISHER:

CN, we have it.

LEG. CARACCIOLO:

It's just been distributed.

LEG. VILORIA • FISHER:

It was distributed.

P.O. CARACAPPA:

You're asking for it to be taken out of order.

LEG. VILORIA • FISHER:

LEG. CARACCIOLO:

If that would be okay? I make a motion to take it out of order.

LEG. ALDEN:

Why.

LEG. VILORIA • FISHER:

Second.

LEG. CARACCIOLO:

There are a number of people who are here, spoke about this, some have remained. We're going on lunch break. I think it's just a courtesy I'd like to extend to those folks.

P.O. CARACAPPA:

From what I'm told, the County Executive's ••

LEG. VILORIA•FISHER:

And further to that ••

P.O. CARACAPPA:

Just hold it just a second. The County Executive's Office is just checking the backup on it, make sure it's correct, so ••

LEG. CARACCCIOLO:

Okay. But one of the things that was absent in committee, just for the record, was the financial impact statement, which has now been completed by both the Budget Office, and the Executive Branch, and our Budget Review Office, and the numbers are almost identical, so a little over \$11 per average taxpayer. Just add that to the record.

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

I recognize ••

LEG. CARACCCIOLO:

A dollar a month.

P.O. CARACAPPA:

•• Legislator Vilorina•Fisher, then Lindsay.

LEG. CRECCA:

And put me on the list.

LEG. VILORIA•FISHER:

Well, just in support •• I was supporting taking it out of order, but I understand from Ms. Burkhardt that the County Executive wants us to wait on it.

MS. BURKHARDT:

They're checking on the backup with it.

LEG. VILORIA • FISHER:

Okay, then ••

MS. BURKHARDT:

Make sure it's accurate.

LEG. VILORIA • FISHER:

Then we'll wait until that comes over.

P.O. CARACAPPA:

Just wait few more moments. A few more moments? We'll do it before lunch for sure.

LEG. SCHNEIDERMAN:

I want a few minutes to read it myself.

LEG. LINDSAY:

Yeah.

LEG. CRECCA:

Yeah, yeah.

P.O. CARACAPPA:

Yeah. Okay, start reading.

LEG. LINDSAY:

I would oppose taking it out of order, but another CN ••

ENVIRONMENT, PLANNING AND AGRICULTURE

—

LEG. BISHOP:

1330, motion to table.

P.O. CARACAPPA:

We're on **1330 (A Charter Law adding Article XII•B to the Suffolk County Charter to establish the 2004 Suffolk County Farmland Preservation Fund)**. Motion to table by Legislator Crecca •• I'm sorry. There's a motion •• Legislator Bishop, motion to table 1330, second by Legislator Caracciolo?

LEG. CARACCIOLO:

Yeah.

P.O. CARACAPPA:

Okay. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1646 (Authorizing Brookhaven National Laboratory environmental cleanup on County parkland).

LEG. CARACCIOLO:

Motion to approve.

LEG. BISHOP:

Second.

P.O. CARACAPPA:

Motion by Legislator Caracciolo, second by Legislator Bishop. All in favor? Opposed? Second by ••

LEG. ALDEN:

On the motion to table.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Are we being provided with indemnification by them?

LEG. CARACCILOLO:

That is correct. This resolution was held in abeyance for several months until the County Attorney's Office and BNL went through that language to make sure that the County is protected, yes.

LEG. ALDEN:

Did we also authorize them to do something similar to this last year or the year before?

LEG. CARACCILOLO:

What we did a couple of years ago was we provided them with some land north of a community that's south of Brookhaven National Lab, where there was water •• I mean, groundwater contamination.

LEG. ALDEN:

For a monitoring well, right?

LEG. CARACCILOLO:

For a monitoring well, that's correct.

LEG. VILORIA•FISHER:

I think that was last year, wasn't it?

LEG. CARACCILOLO:

That was a year or two ago.

LEG. VILORIA•FISHER:

I believe it was last year.

P.O. CARACAPPA:

Okay? A motion and a second. All in favor? Opposed?

LEG. MYSTAL:

Mr. Chair.

P.O. CARACAPPA:

On the motion, Legislator Mystal.

LEG. MYSTAL:

No, not on the motion.

P.O. CARACAPPA:

Let me just get through this motion.

LEG. MYSTAL:

If we get this thing off before lunch.

P.O. CARACAPPA:

Yeah, we could. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

1663 (Authorizing planning steps for acquisition under Suffolk County Multifaceted Land Preservation Program(North West Harbor property) Town of East Hampton). Motion by Legislator Schneiderman, second by Legislator Losquadro. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

HEALTH AND HUMAN SERVICES

P.O. CARACAPPA:

1512 (Creating Suffolk County Executive/Legislative Cancer Resources Commission). Motion by Legislator Foley.

LEG. FOLEY:

Motion.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Carpenter and Viloría•Fisher. All in favor?

LEG. ALDEN:

Henry add me as a cosponsor.

P.O. CARACAPPA:

Opposed? Abstentions?

[COSPONSOR SAID IN UNISON BY LEGISLATORS]

P.O. CARACAPPA:

Cosponsor the entire ••

LEG. CRECCA:

Put us all on, Henry.

LEG. O'LEARY:

Cosponsor.

LEG. FOLEY:

Thank you very much.

P.O. CARACAPPA:

Thank you. Good job, Brian.

LEG. FOLEY:

Thank you.

MR. BARTON:

18.

P.O. CARACAPPA:

Congratulations.

LEG. FOLEY:

Thank you, Mr. Chairman. Thank you for your support.

P.O. CARACAPPA:

1581 (A Local Law to strengthen screening requirements for day care providers).

LEG. VILORIA•FISHER:

Motion.

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Motion by Legislator Viloría•Fisher, second by Legislator O'Leary. All in favor? Opposed? Abstentions?

[COSPONSOR SAID IN UNISON BY LEGISLATORS]

LEG. CRECCA:

I said it first.

P.O. CARACAPPA:

Cosponsor, the Legislature, Mr. Clerk.

LEG. CRECCA:

I'm kidding, I'm kidding.

LEG. VILORIA•FISHER:

Me first, me first.

P.O. CARACAPPA:

1637.

MR. BARTON:

18.

P.O. CARACAPPA:

(1637 • A Local Law to authorize the establishment of fees in the Department of Health Services, Division of Medical•Legal Investigations and Forensic Sciences for requests for cremation approvals and autopsy reports). Motion by Legislator Foley.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

Second by Legislator Viloria•Fisher. All in favor?

LEG. ALDEN:

I just have one question on this.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

Whoever is Head of Health, is there a provision for people that are indigent, can't pay, or does this cover everybody?

LEG. CRECCA:

That would be ••

LEG. TONNA:

Say it again, what?

LEG. ALDEN:

Paul on 1637, was there a provision to cover the indigent or, you know, to waive the fees in that case?

LEG. TONNA:

Just hold it a second.

LEG. ALDEN:

These are cremation fees.

LEG. TONNA:

Cremation fees, 1637. I don't think that even came up, to tell you quite •• in committee.

LEG. ALDEN:

I'll support this, but I'm going to ask the Health Commissioner to ••

LEG. TONNA:

Hold it one second, just •• I don't think the issue came up, Legislator Alden.

LEG. BISHOP:

We're coming back in two weeks, so why don't we table it?

LEG. TONNA:

You know, I mean ••

LEG. BISHOP:

Don't charge poor people for cremation.

LEG. CRECCA:

Motion to table.

LEG. BISHOP:

Second.

LEG. TONNA:

Okay. On the motion to table. Just I'd just asked Legal Counsel, just outline the bill, so that people are aware of what we're talking about, including me.

MS. KNAPP:

Each request for •• it adds to the Administrative Code provisions about the Medical Examiner, it adds two provisions. Each request for cremation approval has to be accompanied by a fee of \$30, and the autopsy report request also must be accompanied by a \$30 fee. There does not seem to be a provision contained in here for the indigent.

LEG. TONNA:

To discount the •• I mean, has that been •• I mean, I've not had any requests in my district office or, you know, that there is something amiss. I'm just wondering, is this something where people •• because I'm sure we could take up a fund.

MS. KNAPP:

Again, it was not addressed in committee. There may be a process that I'm not aware of that the Medical Examiner may follow. I know, as a former public administrator, the Medical Examiner is always very cooperative.

LEG. TONNA:

I could think of some poster people for the, you know, the cremation fund, you know, just personally, I think that would be •• okay. Anyway, so is it still a concern, Legislator Alden, that we have some process for the indigent; is that your •• is that your concern?

LEG. ALDEN:

It was brought to my attention, but ••

LEG. TONNA:

Okay. So I would say ••

LEG. ALDEN:

•• if you want to pass this, then we could do it in ••

LEG. TONNA:

•• let's table it. But, I mean, there's no use in tabling it unless we have a representative from the Health Department to •• I mean, we might as well

send it back to committee, right? That's where the work is done. So ••

LEG. CRECCA:

I'll change my motion.

P.O. CARACAPPA:

Hold on a second.

LEG. TONNA:

It wasn't raised by any of the committee members, but this wasn't literally a burning issue from the Health Department either, so, you know.

P.O. CARACAPPA:

Oh, that was crude.

LEG. CRECCA:

Mr. Chairman, change my motion to a motion to recommit.

LEG. TONNA:

I'll second.

P.O. CARACAPPA:

Okay. Legislator Carpenter, on the motion.

D.P.O. CARPENTER:

Yeah, I just have a question. Did we have a public hearing on this?

P.O. CARACAPPA:

Counsel.

D.P.O. CARPENTER:

This was at committee, or was it ••

P.O. CARACAPPA:

Public hearing ••

LEG. VILORIA • FISHER:

It was in the committee.

P.O. CARACAPPA:

The hearing was held in committee?

D.P.O. CARPENTER:

See, this is where ••

P.O. CARACAPPA:

Okay.

D.P.O. CARPENTER:

•• having them on the floor at the full meeting makes more sense.

MS. KNAPP:

Excuse me. I mean, it's a County Executive Local Law. Usually, the County Executive requests them at the General Meeting.

LEG. TONNA:

Do you have anything you want to add to this?

MS. KNAPP:

I mean, Henry would probably have to confirm that.

LEG. TONNA:

Is it a burning issue?

P.O. CARACAPPA:

Okay. There's a motion to recommit by Legislator Crecca, second by Legislator Tonna. All in favor? Opposed? Abstention?

LEG. TONNA:

We'll ask the ••

P.O. CARACAPPA:

It goes back to the Health Committee.

LEG. TONNA:

•• hot issues in their committee.

P.O. CARACAPPA:

Okay. That is ••

LEG. BISHOP:

It doesn't kill the bill.

P.O. CARACAPPA:

•• recommitted.

MR. BARTON:

18. It's been sent back to committee.

LEG. TONNA:

Let's not kill the bill.

P.O. CARACAPPA:

I don't want to get burned here.

LEG. CRECCA:

I don't want it to go down in flames.

PARKS AND CULTURAL AFFAIRS

P.O. CARACAPPA:

Parks and Cultural Affairs. **1458 (Amending the ATV Task Force to add two additional members).** Is there a motion?

LEG. CARACCILOLO:

Motion to approve.

P.O. CARACAPPA:

There's a motion to approve by Legislator Caracciolo. Is there a second?

LEG. CRECCA:

Yeah, I'd like •• I'd like to be heard on the motion.

P.O. CARACAPPA:

Is there is a second?

LEG. LINDSAY:

Yes.

P.O. CARACAPPA:

Yes by Legislator Lindsay. Second by Legislator Lindsay. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah, in •• I had an opportunity to look at 1458. This, to my fellow Legislators, is looking to amend the ATV Task Force to add two additional members. Just so everyone's aware, those two members were in one of the original bills. We changed the original bill, so that it could not go on current County parklands, the ATV's, so •• and both the Horsemen's Association and the Greenbelt Trails Conference, both of whom we spoke with, did not feel they needed representation on this •• on the board, and we did speak with them before we approved the prior bill. So, that's, from what I can read on this bill, that's all it looks to do. And as the original sponsor of the bill, and Legislator Losquadro was a cosponsor, I would ask that we fail the bill.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILO:

Let me correct the record. The fact remains that there were two ATV bills, and in no time did representatives from the Nassau Suffolk Horsemen's Association or the Long Island Greenbelt Trail Conference ever indicate to me that they would not like representation on the ATV Task Force, point one. Point two, since the adoption of the resolution that Mr. Crecca made

reference to, the Task Force has yet to have been organized and formulated.

We had testimony last week by Commissioner of Parks, Mr. Foley, who indicated, thusfar, the only appointments that he is aware of, outside of those that are statutory, if you will, like himself as Chair of this Task Force, are those that are in the next resolution, of which I am a cosponsor. That appoints three members of off track vehicle associations to the Task Force, which I have no problem with. But I think it's grossly unfair, and the Task Force, as currently •• as it would currently be constituted, lacks the diversity to ensure that other user groups of County parks, many of whom like the two groups I've mentioned have been stalwarts for years in maintaining our trail systems, not be included and have some input into this issue.

So, given the fact that nothing has transpired, no one knows when this Task Force will actually commence its work, and, as I pointed out in committee, and I believe it was Legislator Alden's recommendation •• if I could just wait. I don't want to misstate anything, Legislator Alden. But I know one of the concerns •• not concerns, but one of the issues he brought up was that if, in fact, because it was approved unanimously in committee, that if, in fact, this resolution were to be on today's agenda would I then lay on the table the names of two representatives from these two groups. And without hesitation, after last week's meeting, when we called both of these organizations, we were provided with names of people who'd be more than willing to serve. So, I think that clears the record about not only the interest of these individuals, but the eagerness of these individuals to serve, and would ask that the Legislature approve this resolution.

P.O. CARACAPPA:

Thank you. Okay. There's a motion to approve and a second.

LEG. SCHNEIDERMAN:

Motion to table.

LEG. ALDEN:

Just on the motion.

P.O. CARACAPPA:

There's a motion to table by Legislator Schneiderman. Second? Is there a second to table?

LEG. ALDEN:

Second.

P.O. CARACAPPA:

Second by Legislator Alden. On the motion to table, Legislator Alden.

LEG. ALDEN:

Also, just so that •• to share with the rest of the Legislators, there was some discussion, and I brought up a couple of points. First off, I think the size of the group as it is now, even before we vote on this, is too big. We probably would have been better off serving the people of Suffolk County just to ask the Commissioner to develop a report for us and hand it to us. But be that as it may, now we're adding more to that.

As we see every time we have a meeting, or if we try to have a special meeting, when you start going around the horseshoe, if you've got 18 people, you have 150 different solutions to what they would •• can even meet. I'm not so sure that this group is ever going to meet if they try to accommodate everybody's schedule. So, I very reluctantly approved this out of committee. And I still stick to my suggestion that •• you know, I don't even know if we really need a task force. If you just ask the Commissioner for some studies, I think let him put together some experts and come up with it, so ••

P.O. CARACAPPA:

Thank you.

LEG. ALDEN:

Still, I'm undecided on which way to go with this.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCILOLO:

I will support the motion to table one cycle to see what transpires in the next two weeks. My only reluctance after that will be that because of the Operating Budget schedule, we don't meet for a long period of time. I think we have one meeting in September. So, as an outside date, I would like the Legislature to take this resolution up no later than the August 24th meeting. Thank you.

P.O. CARACAPPA:

Thank you. There's a motion to table and a second. All in favor?

D.P.O. CARPENTER:

On the tabling motion.

P.O. CARACAPPA:

On the tabling motion, Legislator Carpenter.

D.P.O. CARPENTER:

I would also like to get some clarification now, because the issue was raised that representatives from this group did not want to participate. You're saying something to the contrary, so I think we need to have, you know, concrete information one way or another, which is fact.

P.O. CARACAPPA:

There's a motion to table and second. All in favor? Opposed?

LEG. CRECCA:

Opposed.

P.O. CARACAPPA:

Legislator Crecca is opposed. I'm opposed to tabling. Legislator Losquadro, Legislator Alden.

MR. BARTON:

14.

P.O. CARACAPPA:

1458 is tabled. **1674 (*Appointing members to the ATV Task Force*)**.
Motion by Legislator Crecca.

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Second by Legislator Caracciolo. All in favor? Opposed?

LEG. VILORIA•FISHER:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Through the Chair, I'd like to ask either one of the sponsors, either Legislator Crecca or Legislator Losquadro, a question regarding the appointments. Most of the time, when you have a Task Force like this, the appointees don't have to come back, especially in groups like this. This is the first time I've seen in groups of three appointees coming back to the Legislature for approval. They have a very short time line for the completion of their work. How are you going to be able to achieve a full contingent of members and have their work done in a timely manner using this process? Mr. Chair, that was a question to the sponsor.

LEG. CRECCA:

No, I understand that. I'm sorry, Legislator •• Legislator •• I was going to say Legislator Burkhardt. Ms. Burkhardt was just filling me in on something else, I apologize.

LEG. FOLEY:

Nineteenth Legislator.

LEG. CRECCA:

If we have to, we could extend the deadline. It just took longer to get things in order. But, you know, the way that it was originally set up, the bill probably shouldn't have been. It had to come back to the Legislature for approve, so ••

P.O. CARACAPPA:

As is the case with many committees that are established, we extend the deadlines for them to continue their work.

LEG. VILORIA•FISHER:

Okay. I just wanted to point out, because we were looking at it in committee and it seemed that they're not going to be able to achieve their goal in the ••

LEG. CRECCA:

Just so you know, too, a lot ••

LEG. VILORIA•FISHER:

In the time.

LEG. CRECCA:

•• of the information has already been produced, and studies, and things like that, so they may be able to, if they get their work done in a timely fashion. I think we have to do a wait•and•see on this one.

LEG. VILORIA•FISHER:

Okay. Thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CRECCA:

But thank you.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you, Mr. Chairman. Looking at the resolution on line, it appears that •• I don't know if Mr. Losquadro is a cosponsor, but I know my office notified the Clerk's Office six or seven weeks ago to be listed as a cosponsor, so I'd like to make sure that we are listed as a cosponsor on 1664.

MR. BARTON:

Yes. Cosponsors are listed on the resolutions on line when they're filed. We update them just before we send them over to the Executive for signature.

LEG. CARACCIOLO:

Very good. Okay.

P.O. CARACAPPA:

Very good. There's a motion and second. All in favor? Opposed? Abstentions?

MR. BARTON:

18.

P.O. CARACAPPA:

It's approved. Moving on to Public Safety.

LEG. O'LEARY:

Mr. Chair.

P.O. CARACAPPA:

Legislator O'Leary.

LEG. O'LEARY:

We do now have ••

P.O. CARACAPPA:

Yes.

LEG. O'LEARY:

•• verification, documentation, clarity with respect to the extension issue that was addressed under the tabled Resolution 1558.

P.O. CARACAPPA:

Before we go to that, I'll just make an announcement. We're going to stay until we finish the agenda and CN's before we break for lunch.

LEG. BISHOP:

That's a great decision.

LEG. TONNA:

How much more time do we have?

LEG. O'LEARY:

If I may, Mr. Chair.

P.O. CARACAPPA:

It could be five minutes, if you look at the resolutions.

LEG. TONNA:

I'm in, let's go.

LEG. O'LEARY:

If I may, Mr. Chair, with respect to 1558.

P.O. CARACAPPA:

Yes, Legislator O'Leary, go right ahead.

LEG. O'LEARY:

Is 1558 back on the table?

P.O. CARACAPPA:

It is now being reconsidered, yes.

LEG. O'LEARY:

Okay. Thank you very much. As my colleagues can see, there's a copy of a

document where the May '04 extension was, in fact, extended for the first 90•day extension until August 14th of this year, so that's four days from now. So, I would urge my colleagues to move on the motion to approve 1558.

P.O. CARACAPPA:

There's a motion to approve 1558 by Legislator O'Leary, seconded by Legislator Losquadro, as was the case the earlier.

LEG. BISHOP:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Bishop.

LEG. BISHOP:

Just •• I'm sorry. Mr. Tonna, perhaps you want to put on the record what appointment you have. No. I want to ask Mr. O'Leary, Legislator O'Leary, to understand this. The land in question was originally owned by •• is it the fireworks company; is that correct?

LEG. O'LEARY:

The land in question is owned by Starlight Properties.

LEG. BISHOP:

It's not owned by the County.

LEG. O'LEARY:

No. The development rights, County ••

LEG. BISHOP:

But they transferred the development ••

LEG. O'LEARY:

They transferred the development rights to the County for purposes of •• for purposed of open space preservation in perpetuity.

LEG. BISHOP:

Right.

LEG. O'LEARY:

The circumstances that have come up as a result of the •• the primary reason why that buffer zone was put up, it was obviously a site where they were constructing and putting together explosives. That's no longer the case. This is a large parcel of land that's being attempted to be subdivided by the owner for purposes of industrial use. And in order to bring those transactions to fruition, and conclusion, and closure, both our Planning Commission and the Town requires a tap road on the west boundary of this property, which would go into the buffer zone.

LEG. BISHOP:

What I don't understand is that when this originally occurred, which was a couple of years ago, was not long ago, right, it was ••

LEG. O'LEARY:

Well, it was last addressed in '98.

LEG. BISHOP:

'98.

LEG. O'LEARY:

It was initially addressed in 1985, '85 or '86.

LEG. BISHOP:

Didn't the property owner have attorneys and they never contemplated the fact that they were transferring into a program that contemplates perpetuity not changes?

LEG. O'LEARY:

Well, yes. Initially, my understanding was that the landlord and the business person who was running the fireworks, Grucci, was going to stay there forever, but he has since relocated to the State of Virginia, where all the manufacturing is done there.

LEG. BISHOP:

Right.

LEG. O'LEARY:

This particular property is used for administrative purposes that he's looking to use after he •• if he can sell those parcels, for other industrial use. So, currently, those 98 acres, or thereabouts, 60 of which, or 65 of which would be used for other industrial use, and the Starlight Properties will retain about twenty some•odd acres of that for administrative purposes.

LEG. BISHOP:

And I don't know if you would know the answer to this, and I don't know if my colleagues would even know the answer to this, but I can't recall a time that we agreed to take a property out of one of these programs to accommodate any request. We had something similar with the farm in Riverhead, right, and the ••

LEG. CARACCILO:

Manorville.

LEG. BISHOP:

Manorville?

LEG. O'LEARY:

Yeah, but I think the circumstances on this particular issue that's before us is a little bit different. The reason why the buffer zone was put up in the first place is now moot, because there is no longer the manufacturing of explosives there, and the landlord is looking to sell those properties.

LEG. BISHOP:

Right. So, the question is whether you saw it as a buffer zone to accommodate the fireworks, or you saw it as a donation into the Open Space Program.

LEG. O'LEARY:

Well, no, it was •• in my opinion, it wasn't a donation to the open space, it was simply for safety purposes that they required this buffer zone ••

LEG. BISHOP:

Well, then it's very bad lawyering.

LEG. O'LEARY:

•• which is now moot, because there's no longer manufacturing there.

LEG. BISHOP:

It's pretty bad lawyering, then, I mean, if that was the purpose ••

LEG. SCHNEIDERMAN:

Your characterization that it ••

P.O. CARACAPPA:

No, Jay, Jay.

LEG. SCHNEIDERMAN:

Oh, I'm sorry, I thought you were ••

LEG. BISHOP:

Yeah, I'm done.

P.O. CARACAPPA:

Okay. Legislator Schneiderman, then Lindsay,

LEG. SCHNEIDERMAN:

I think that's not an accurate characterization, that it's being pulled out of the program. It still would be in the, you know, development rights purchase status. It couldn't be used for residential, commercial development, so I think it's a little bit different than the way you described it. It's different than alienating a parkland, or putting, you know, a road through a nature preserve.

LEG. BISHOP:

Yes, but it's compromised nonetheless.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

The reason why I'm supporting this resolution is that this property cannot be developed, it's privately owned. It cannot be developed without this tap road. And, in a little while, we're going to consider putting on the ballot a proposal to expend another 75 million dollars to preserve open space, which I support and is a wonderful proposal. But with the preservation of open space, the citizens of this County have other needs, and some of those needs are jobs. And by allowing this property to develop, I would assume that it's going to bring jobs to Suffolk County. So, I would defer to the Legislator whose district this is in, is Legislator O'Leary. He thinks it's a good proposal and I'm going to support it.

LEG. VILORIA•FISHER:

Madam Chair.

D.P.O. CARPENTER:

Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

Okay. Legislator Lindsay, you're right, we have to use reasonable discretion. However, I have been opposed to this resolution from the moment I saw it, because I felt, and I still feel, that the process is not the correct process based on my firm belief that we have to be very, very, very careful with regard to the establishment of precedent in dealing with reverting development rights for any kind of use. And we should hold the protection of our development rights to a higher standard, and this is why I have been suggesting from the time I saw this resolution that it be a local law. The County Attorney's Office has agreed and suggested that we should be addressing this through a Local Law because of the protection of our Development Rights Program. And it's very dangerous and we're on a slippery if we're not going to treat our Development Rights Program with the utmost respect and careful scrutiny. So, my opposition is not so much with the physical demand of this property, but, rather, with the process.

P.O. CARACAPPA:

Okay. Caracciolo, Mystal and Schneiderman.

LEG. CARACCIOLO:

Mr. Chairman, could we have Mr. Isles come up?

P.O. CARACAPPA:

For the purposes of?

LEG. CARACCIOLO:

Of discussing this alienation issue. Tom.

P.O. CARACAPPA:

Well, just before you •• I did make a statement we'd stay in to lunch. It's not going to happen. We're going to break for lunch in just a few minutes. Bugged down on this resolution.

LEG. CARACCIOLO:

Mr. Isles.

P.O. CARACAPPA:

We'll deal with the CN's after lunch as well.

DIRECTOR ISLES:

Yes.

LEG. CARACCIOLO:

Could you just frame or characterize what this resolution does?

DIRECTOR ISLES:

This resolution, as I understand it, would authorize the owner of this property to extend a road •• two roads to the western boundary of the property. That area is currently encumbered by a •• the development rights that were retained by the County when we transferred this property to Starlight Industries back in the mid '80's.

LEG. CARACCIOLO:

Okay. Is that considered •• does that rise to the level of being declared an alienation of the PDR Program?

DIRECTOR ISLES:

Well, the only •• I'm not going to say whether it's an alienation of the PDR Program. The only thing I will say is it's •• this is probably a little bit different than our typical farmland, because it wasn't purchased under Chapter 8 of the County Code, which is Farmland Program. This was done on a case basis, specific case basis on a land exchange that was done. Here again, I wasn't with the County at that point, but my understanding of it, of a swap of properties that the property owner owned in the core, what was to become the core, the County owned this piece, there was a land exchange that occurred, the County then delivered full fee on most of the property, but retained the development rights on the perimeter of the property.

So, it's •• to make a comparison to the Farmland Program I think is probably a little bit difficult to do. This has its own separate requirement with the development rights being held by the County in this particular case.

[SUBSTITUTION OF STENOGRAPHER • DONNA CATALANO]

LEG. CARACCILO:

Does a matter like this come before the County Planning Commission at any time for consideration or recommendation?

DIRECTOR ISLES:

The subdivision of the property was before the County Planning Commission, yes.

LEG. CARACCILO:

And what was the judgment of the Commission?

DIRECTOR ISLES:

The Planning Commission reviews these matters in terms •• in compliance with their guidelines, they have adopted guidelines. It was found by the Planning Commission that the map submitted by the Town of Brookhaven did not meet the guidelines, and specifically, although it's zoned industrial,

the development plan was for a long cul•de•sac road to provide access to the individual properties that would be created. The Commission found that the road was longer than provided for ••

LEG. CARACCILOLO:

Excuse me, I think what Mr. Isles is speaking to right now is very important.

DIRECTOR ISLES:

What the Commission found was that the road exceeded the length required under the County's guidelines and then make a recommendation to approve it, because otherwise it conformed, subject to some sort of alternative design of this long cul•de•sac. One solution to that would be the tap roads that are before you today. The tap roads, by the way, would connect to vacant land to the west, which is also zoned for industrial use. So the Commission did review it, it is under jurisdiction of the County Planning Commission. They basically rejected the road design, required some sort of alternative design, the Town of Brookhaven had the option of overriding the County Planning Commission, which they did not do in this case.

LEG. CARACCILOLO:

Do we have maps of this area? Because I'd like to see exactly what we're speaking of here. Do we have an aerial? Do we know how •• how long is the road? How wide is the road?

DIRECTOR ISLES:

How long is it?

LEG. CARACCILOLO:

How long and wide would this tap road be?

DIRECTOR ISLES:

Okay. The width of the road is 60 feet as I recall. The length of the tap roads are about 200 feet as I recall.

LEG. CARACCILOLO:

Do we have maps, Tom?

DIRECTOR ISLES:

We have maps, sure. In the County Planning Office, yes.

LEG. CARACCILOLO:

Thank you.

P.O. CARACAPPA:

Okay. Legislator Mystal.

LEG. MYSTAL:

I will refrain if we break for lunch.

P.O. CARACAPPA:

I'd like to get past this resolution.

LEG. MYSTAL:

Okay. Then I'll speak. This is again, for Tom Isles. Tom, come back. I didn't want you to leave. From the way I'm understanding this is that the owner of the property wants the tap road in •• to industrialize the parcel of land that is being landlocked or has only one access through it at this time.

DIRECTOR ISLES:

Basically. He didn't originally propose the tap road, he just proposed a long dead end road. That was not acceptable. He is seeking to develop the property for industrial purposes.

LEG. MYSTAL:

Okay. This is the point I'm trying to make. He's seeking to •• so those tap roads will make the property a lot more valuable.

DIRECTOR ISLES:

Possibly. I can't speak to that.

LEG. MYSTAL:

It allows it to be developed.

DIRECTOR ISLES:

Yes.

LEG. MYSTAL:

Now, general •• thank you. I don't •• I'm having a problem. I want to vote for this because I don't see anything wrong with it, but I'm being reluctant about opening that door for •• you know, when we have development rights and we're encroaching upon it. And I don't know where it would lead. So that's •• somehow, you know, convince me at lunch time or something.

P.O. CARACAPPA:

Legislator Schneiderman.

LEG. SCHNEIDERMAN:

I'll try to convince you right now. And also in regards to Legislator Fisher's remarks that she doesn't want to see any development on any lands where the development rights have been purchased. And as we are about to embark on a \$35 million bond as part of the \$75 million bond to purchase development rights on farmland, I don't want to scare any farmers away thinking that it means they can't do anything with their land. The fact is under development right purchase, development can happen; farm buildings can be built, storage buildings, even potential housing for a farmer can be built on that land. So it's a purchase of development of rights in a certain •• with certain guidelines to that. It's not a complete sterilization. It's for a purpose. So whether this road constitutes development of this property, you would almost have to go back to the language that was used in the restrictions that were placed. And I really defer to counsel on that. Maybe Mr. Isles wants to come back one more time to explain this. But I don't want there to be misconceptions about the PDR Program, because it could hamper our efforts in the future.

LEG. VILORIA•FISHER:

May I respond to that, Mr. Chair?

P.O. CARACAPPA:

Quickly if you can.

LEG. VILORIA•FISHER:

Very quick response. It's very clear that under development rights, it doesn't create pristine land and there is development allowable, but not to facilitate industrial development. And when we're looking at that, we should have very close scrutiny.

P.O. CARACAPPA:

There's a motion and a second to approve. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE
LEGISLATURE)**

LEG. O'LEARY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. COOPER:

Pass.

LEG. TONNA:

(Not present).

LEG. BINDER:

Yes to approve.

LEG. MYSTAL:

Abstain.

LEG. BISHOP:

Abstain.

LEG. NOWICK:

Yes to approve.

LEG. CRECCA:

Yes.

LEG. ALDEN:

(Not present).

LEG. MONTANO:

No.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

No.

LEG. VILORIA • FISHER:

No.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Abstain.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Pass.

LEG. COOPER:

Abstain.

LEG. TONNA:

(Not present).

P.O. CARACAPPA:

Yes.

LEG. ALDEN:

Yes.

LEG. O'LEARY:

Motion to table, Mr. Chair. I don't know where my fellow Legislators are. I know they are in the building.

LEG. BISHOP:

On the motion to table.

P.O. CARACAPPA:

There's a motion be Legislator Bishop to table.

LEG. BISHOP:

On the motion to table.

P.O. CARACAPPA:

Second? Seconded by Legislator ••

LEG. BISHOP:

Whether the votes are there to pass with it ten or 11, it could face a veto, in which case, what I would urge is a compromise that does the following.

P.O. CARACAPPA:

Is there a second in the tabling?

LEG. CARACCILO:

Second.

P.O. CARACAPPA:

Legislator Vilorio•Fisher. Okay. Go ahead on the motion to table.

LEG. BISHOP:

The compromise that I would encourage the sponsor and the Executive Branch to explore is, is there a way for the amount of land that's going to be used for the road to be calculated and a like donation from the rest the property made into the program so that in the end, the program is made whole. And that would be a less of a disturbance of the integrity of the

program then to simply say, we have all this land in the program and now we're going to change it to have less land. In that case, this is different. Under the compromise, the program would be made whole. I think that would be a good way to proceed and make Legislators like myself and Legislator Mystal more comfortable in supporting this.

LEG. O'LEARY:

I will support a tabling motion.

P.O. CARACAPPA:

You would support a tabling motion?

LEG. O'LEARY:

I would support a tabling motion, yes.

P.O. CARACAPPA:

Okay. There's a motion to table and a second. All those in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present.

P.O. CARACAPPA:

We will now break for lunch. We will return at 2:30 for public hearings.

(THE MEETING WAS RECESSED AT 12:47 P.M. AND RESUMED AT 2:36 P.M.)

D.P.O. CARPENTER:

Mr. Clerk, let's call the meeting to order. Are the affidavits in order?

MR. BARTON:

Yes, they are.

D.P.O. CARPENTER:

Okay. We will start with the first public hearing, **1070, a Charter Law creating the Taxpayer Office of Inspector General**. There are no

cards. Does anyone wish to address the Legislature on this public hearing? Legislator Caracciolo, what's your pleasure.

LEG. CARACCILOLO:

Motion to close.

D.P.O. CARPENTER:

Motion to close, seconded by Legislator Montano.

LEG. MONTANO:

Second.

D.P.O. CARPENTER:

The hearing is closed. **IR 1236, approving rates established for Davis Park Ferry Company.** There are no cards. Does anyone wish to address the Legislature? Motion to recess by Legislator Foley, I will second that. The hearing is recessed.

IR 1362, approving the amended cross bay License for Bayard Marine Corporation. Again, we have no signed cards.

LEG. O'LEARY:

Motion to close.

D.P.O. CARPENTER:

Does anyone wish to address the Legislature? None. Motion to close and a second. Hearing is closed.

1364, authorization of rates for Bayard Marine Corporation for cross bay license. Again, likewise, no cards. We have a motion to close and a second. The hearing is closed.

IR 1657, a Local Law to prohibit the purchase, sale •• that has been withdrawn. **IR 1688, a Local Law to establish a seizure procedure to stop child pornography.** We have no other cards, does anyone wish to address the Legislature? We have a motion to close and a second. That hearing is closed.

IR 1736, A Charter Law consolidating the County's Affordable Housing Work Force Housing Programs and Community development Agency within the renamed Department of Economic Development and Work Force Housing. Again, we have no cards on this hearing.

Anyone wishing to address the Legislature? I see the SEQRA is incomplete, so I assume we need to recessed. I will recess this hearing, seconded by Legislator Alden. The hearing is recessed.

We will set the date for the following public hearings of Tuesday, August 17th in the Ways and Means, Consumer Protection Committee in the Rose Caracappa Auditorium, that is IR 1737, a Local Law to amend Local Law 18 to strengthen Disclosure requirement for real estate transactions. And set the date for the following public hearings Tuesday, August 24th, General Meeting in the Maxine Postal Auditorium, Riverhead at 5:30 p.m., that's IR 1693, 1702 and 1752. The hearings are hereby set. Motion by myself, seconded by Legislator Alden. The hearings have been set. We are done.

I would just ask, we are getting to the agenda, so I just ask if there are any Legislators within •• Legislator Mystal.

LEG. MYSTAL:

Procedural question. You are setting the date for Tuesday, August 24 at five p.m. in Riverhead, is that a night meeting?

MS. BURKHARDT:

It's a night meeting in Hauppauge.

D.P.O. CARPENTER:

It's a night meeting in Hauppauge. It says Riverhead, so we need to make that change. The meeting is in Hauppauge. No. I had checked the schedule the other day, I was under that impression too. But that meeting is in Hauppauge. Okay. So let us amend that, the date for the public hearing will be Tuesday, August 24th, 5:30 p.m. at the General Meeting at the Rose Caracappa Auditorium in Hauppauge. We have a motion, seconded by Legislator Alden. Those hearings, 1693, 1702 and 1752 are set for Hauppauge. Thank you very much, Legislator Mystal, for noticing that.

LEG. MYSTAL:

It was the staff, it wasn't me.

LEG. ALDEN:

When are they going to start construction on the building?

D.P.O. CARPENTER:

Let's not totally lose control here. Through the Chair, if you have you any questions, let's do it through the Chair. Okay. We left out of on page eight. Public Safety.

PUBLIC SAFETY AND PUBLIC INFORMATION

1568, adopting Local Law No • • 2004, a Local Law to ban the purchase, sale and use of mobile infrared transmitters in Suffolk County.

LEG. COOPER:

Motion to approve, please.

D.P.O. CARPENTER:

Motion by Legislator Cooper, seconded by Legislator Crecca. All in favor? Opposed?

LEG. VILORIA•FISHER:

On the motion.

D.P.O. CARPENTER:

On the motion, yes, Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

Through the Chair, I'd like to ask the sponsor, there had been some questions regarding the state having some regulations regarding these. Is there a preemption issue?

LEG. COOPER:

I think this issue was taken up at the Rules Committee, and the consensus was that the public safety benefits of the bill would trump any concerns about preemption, but perhaps I'll defer to Legislative Counsel.

D.P.O. CARPENTER:

Counsel, did you wish to respond to that?

LEG. VILORIA • FISHER:

There had been brought up the question of preemption, Counsel.

MS. KNAPP:

There was an extensive discussion at the Rules Committee about the preemption issue, and I certainly can't disagree with the County Attorney's office to the extent that preemption raises •• it's certainly something that should be considered here. However, the discussion at the Rules Committee centered around this Legislature's often taking on Public Safety issues that no other body would address. And they felt that since I couldn't guarantee them that preemption would bar being able to pass this that they wanted to go forward.

LEG. VILORIA • FISHER:

Okay. Thank you.

D.P.O. CARPENTER:

This was addressed, and the committee did approve it unanimously after hearing that.

LEG. VILORIA • FISHER:

Thank you.

D.P.O. CARPENTER:

Legislator Lindsay.

LEG. LINDSAY:

No. I was just going to make an observation. It never bothered us before, so why should it now?

D.P.O. CARPENTER:

Absolutely not. And also I do believe it was Legislator Cooper's legislation on the cell phone ban, which certainly would have been more of a preemption argument, I think, than this. And what wound up happening is that it triggered state regulation, so I think we are on pretty safe ground here. So we have a motion and a second. All in favor? Opposed?

LEG. VILORIA • FISHER:

I'm abstaining.

D.P.O. CARPENTER:

We have one abstention. Dually noted.

MR. BARTON:

14, one abstention, three not present.

LEG. CARPENTER:

Thank you, Mr. Clerk. **1661, amending the 2004 Capital Program and Budget and appropriating funds for the purchase of furniture for the Sixth Precinct.** We have a motion and a second. Roll call vote on this.

MR. BARTON:

I'm sorry, Madam Chair, who is the motion and second?

D.P.O. CARPENTER:

The motion was made by Legislator Losquadro, seconded by Legislator Foley.

MR. BARTON:

Thank you. On the bond.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE
LEGISLATURE)**

LEG. LOSQUADRO:

Yes.

LEG. FOLEY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not present).

LEG. BINDER:

(Not present).

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

(Not present).

LEG. BINDER:

(Not present).

LEG. ALDEN:

Abstain.

MR. BARTON:

15, one abstention, two not present.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution.

Page nine, **1667, amending the 2004 Capital Budget and Program and appropriating funds in connection with the acquisition of a storage area network.** Is there a motion?

LEG. O'LEARY:

Motion.

D.P.O. CARPENTER:

Second.

P.O. CARACAPPA:

Motion by Legislator O'Leary, seconded by Legislator Lindsay. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE
LEGISLATURE)**

LEG. O'LEARY:

Yes.

LEG. LINDSAY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not present).

LEG. BINDER:

(Not present).

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Pass or abstain? Pass.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Pass.

LEG. ALDEN:

Pass.

LEG. MONTANO:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

LEG. TONNA:

(Not present).

LEG. BINDER:

(Not present).

LEG. BISHOP:

This is 5•25•5, Jim. No.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

MR. BARTON:

13 on the bond.

P.O. CARACAPPA:

Fails.

LEG. BISHOP:

Motion to reconsider.

LEG. CRECCA:

Second.

P.O. CARACAPPA:

Motion to reconsider by Legislator Bishop, seconded by Legislator Crecca. All those in favor? Opposed? Abstentions? 1667 is before us.

LEG. BISHOP:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Bishop, seconded by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

16.

P.O. CARACAPPA:

1667 is tabled.

D.P.O. CARPENTER:

On the motion.

P.O. CARACAPPA:

On the motion.

D.P.O. CARPENTER:

I know we have three of these that deal with MIS. And they were at the Public Safety Committee and asked that they be here at the full Legislature. Is there someone here from the department who can address these? Perhaps you want to come forward, through the Chair.

P.O. CARACAPPA:

What was the request?

D.P.O. CARPENTER:

To have someone from the department on these three; the storage area network, the dedicated Oracle Server and the Fire Wall server. Perhaps they can come up, and as was done earlier today, demonstrate a need for us to go forward with this so we could get the votes necessary.

P.O. CARACAPPA:

One, just state your name for the record and give us a brief explanation.

LEG. ALDEN:

Just through the Chair.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

If they can include an explanation that shows there a differentiation made between this and what the Clerk had asked for. Because the Clerk has some storage capacity and things like that that you spoke against the last time you were before us. So if you could make that distinction between these two projects.

MS. MAKRIDES:

My name is Carol Makrides. And I can only speak about the storage area network for Information Services. I wasn't at the previous meeting, so I really don't have the information that you're asking me with that. But I can

support what I'm asking for, for a storage area network to our Information Services. Let me explain to you what a storage area network is to you so that you understand the reason that I'm asking for this project. It is the ability for servers in our department to share storage. Right now in the past, most servers are ordered with their own storage. It's not the right way to do it, because you can never reallocate the resources of that storage when applications change and are not needed and, you know, grow in different ways.

So when you have a storage area network, you buy the servers with the proper amount of memory and the proper amount of processing power, you attach it to a private network that connects to the storage area unit, and then you can allocate resources dynamically. If you need 90 gigabytes of storage, you give the server 90 days. If another server needs 20 gigabytes of storage, you give that server 20 gigabytes of storage. As applications change, you reallocate the resources so that you are never at a loss, you can't, you know, not use storage on a server when the storage is built into the server. So this is why we're asking for this project. Unfortunately, I can't answer your other question, because I don't know what the Clerk asked for.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Who is the biggest user? We had testimony that the Clerk has the biggest amount of storage space.

MS. MAKRIDES:

We support a lot of Oracle data bases for departments other than Information Services; we have Civil Service data bases on there, we have Telecommunications, we have some of the Clerk, we have Treasurer, we have FRES.

LEG. BISHOP:

Not to beat a dead horse here, but we heard testimony from your department that the biggest user in there, it's either 80 or 90% of the

capacity you have is used by the Clerk.

MS. MAKRIDES:

Eighty or 90% of the storage on my user is used by the Clerk? I wouldn't ••
I can't vouch for that.

LEG. ALDEN:

Are they the biggest user, though?

MS. MAKRIDES:

I'm not going to say they are the biggest users, it's shared by many departments. Off the top of my head, I can't say that they're the biggest user, because I'd have to compare them to what Civil Service is using or what the Treasurer is using. So I'm not going to say they're the biggest user, because I don't really know the answer to that question.

LEG. ALDEN:

Wouldn't that drive what we need to go out and buy? You have to know who is using what and what kind of capacity you need, otherwise ••

MS. MAKRIDES:

That's why I'm saying the resources are allocated dynamically as you need it. So on day one, you don't build the storage area unit with all the resources that you need, because you don't know what they're going to be. You add as you need.

LEG. ALDEN:

How about if you had one person though, traditionally through Suffolk County, is using a huge amount of your capacity, wouldn't you want to identify those people and then tailor your usage going forward or even the purchases, because ••

MS. MAKRIDES:

That's exactly what this does.

LEG. ALDEN:

But this project was just before us not that long ago in the Capital Budget. So I feel a little bit funny about allocating another almost half a million

dollars for something that we took care of in the Capital Budget. Now, this was supposed pay•as•you•go, right? So now it's being changed over to bonds, or is this not ••

MS. MAKRIDES:

This is a Capital Project.

LEG. ALDEN:

And it's not a change as far as its financing. So this has always been anticipated?

MS. MAKRIDES:

As a Capital Project.

LEG. ALDEN:

Why wasn't it included then with our Capital Budget?

MS. MAKRIDES:

I beg your pardon.

LEG. ALDEN:

So it changes the method of financing? So we're going from cash to bonding. And that's why this wasn't included in the Capital Budget?

MS. MAKRIDES:

It was included in the Capital Budget.

LEG. ALDEN:

Wait a minute. Let's find out. Is this a cash project?

MR. SPERO:

It's both. It's a cash project included in the Capital Budget.

D.P.O. CARPENTER:

So do we need 14 votes or we need ••

MR. SPERO:

We need 14 votes because we're changing it from pay•as•you•go to serial

bonds.

LEG. ALDEN:

I think it's getting more confusing. When we just did the Capital Budget, we had a project that sounds almost similar to this. Was this included in that Capital Budget that we just passed for future years?

MR. SPERO:

The funding for this project is in the '04 Budget.

LEG. ALDEN:

Okay.

MR. SPERO:

Okay? Not the '05 Budget, I believe. I don't have the '05 Budget in front of me.

LEG. ALDEN:

Okay. So in '04, it was included as cash?

MR. SPERO:

That's correct.

LEG. ALDEN:

But we didn't take care of •• if there was going to be a problem with that, we didn't take care of that when we just did the Capital Budget?

MR. SPERO:

The assumption would be that you are appropriating the funding in '04 so. You are amending, because it's a change in the method of funding.

LEG. ALDEN:

But we had to know that we weren't going to pay cash. So we knew beforehand that we weren't going to pay cash for this, so now that we did our Capital Budget for the next couple of years or definitely for next year, now we're going to come in and we're going to do more things in the Capital Budget that should have been done by cash. And in this case, if you add them all up, I was just told by Legislator Crecca, it's almost a million dollars

•• I'm sorry, \$850,000, that's not a million, but okay. All right.

P.O. CARACAPPA:

Anyone else? Legislator Crecca than myself.

LEG. CRECCA:

The three projects, the three bond resolutions we have, one is for, I guess, the storage area network, fire wall and •• I forgot the last one.

MS. MAKRIDES:

The other one is for the dedicated Oracle server.

LEG. CRECCA:

Are they all dependant on each other?

MS. MAKRIDES:

Yes. The storage for the Oracle server would be on the storage area network. We are just ordering the service, which is processing and memory. The storage would be included in the storage area unit.

LEG. CRECCA:

Indulge me. I apologize, but I figured out how to use a laptop only about two weeks ago so. The \$450,000 for the storage area network, what is that buying us?

MS. MAKRIDES:

That's buying you a frame that holds all the storage, the fiber channel switches that are used to connect the servers to the storage unit, and it works on private network, it's not on the same network that users use every day. This is only communication between the storage unit and the servers. So it's very fast and it's very efficient.

LEG. CRECCA:

I tried to understand that. It just seems like a lot of money, but I guess this is sort of normal.

MS. MAKRIDES:

Yes, it is.

MS. MAKRIDES:

Do you want me to answer questions on the fire wall, because that's also my project?

LEG. CRECCA:

If you can quickly, yeah.

MS. MAKRIDES:

Just for the sake of your information, I don't know if you know what a fire wall is, but in this day and age, you cannot connect to the internet without having a fire wall to protect your internal network. Right now we have a for wall that's six years old. It is running a very old version ••

LEG. CRECCA:

That I understand.

MS. MAKRIDES:

•• of fire wall software. This we need, because this is how •• your Legislative Offices, they have to come through this fire wall. You have a fire wall built into your Legislative Office in the way you connect, and it comes through our fire wall.

LEG. CRECCA:

Let me ask the question. I think we all understand the fire wall and the need for that. If we allocate all this money, will we not be dropped off the intranet and internet so quickly all the time in our office, and will we be up more than we're down?

MS. MAKRIDES:

Dave Bishop mentioned that the last I was here. That has to do with Cablevision, so we have to really review why that's happening. I don't understand why that's happening. Cablevision is supposed to be a very solid ••

LEG. CRECCA:

We're down more than we're up. All right.

P.O. CARACAPPA:

Legislator Mystal. Legislator Mystal, you want to speak?

LEG. MYSTAL:

Oh, no.

P.O. CARACAPPA:

No? You are good. Okay. Okay. Thank you so much. There's a motion •• 1667 has been tabled. There's a motion to table **1668, (amending the 2004 Capital Budget and Program and appropriating funds in connection with the acquisition of a fault tolerant enterprise firewall server)**. Who made that motion?

LEG. CRECCA:

I think Dave made it, and I seconded it.

P.O. CARACAPPA:

There's a motion by Legislator Bishop on 1668 and seconded by Legislator Crecca. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present.

P.O. CARACAPPA:

1669, (amending the 2004 Capital Budget and Program and appropriating funds in connection with the acquisition of a dedicated Oracle server). I would have to say same motion, same second, same vote.

MR. BARTON:

17, one not present.

PUBLIC WORKS AND PUBLIC TRANSPORTATION

1240, approving Adopt • A • County • Shoreline Program.

LEG. COOPER:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Cooper, seconded by Legislator Foley. All in favor?
Opposed? Abstentions?

MR. BARTON:

17.

P.O. CARACAPPA:

1571, 71 A, appropriating funds for rewiring historic structures at the Vanderbilt Museum. Motion by Legislator Cooper, seconded by Legislator Binder. Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE
LEGISLATURE)**

LEG. COOPER:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

(Not present).

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Pass.

LEG. CRECCA:

No.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. O'LEARY:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yep.

LEG. NOWICK:

Abstain.

LEG. LINDSAY:

I said yes.

MR. BARTON:

You said yes? I'm sorry, sir. I thought you said pass.

LEG. TONNA:

(Not present).

MR. BARTON:

14.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion.

1583, (Authorizing the execution of a contract with the New York State Energy Research and Development Authority for the study of the use of environmentally sensitive fuel for the County fleet).

Motion by Legislator Foley, seconded by Legislator Vilorio•Fisher. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present.

P.O. CARACAPPA:

1624, (a resolution calling for a public hearing for the purpose of considering the proposed increase and improvement for facilities for Sewer District No. 3 Southwest). Motion by Legislator Carpenter, seconded by Legislator Alden. All in favor? Opposed? Abstentions?

MR. BARTON:

17, one not present.

P.O. CARACAPPA:

1662, (renaming County Road 50, Union Boulevard in the Town of Islip as "Ronald Reagan Memorial Highway"). Motion by Legislator Alden, seconded by myself. All in favor? Opposed?

P.O. CARACAPPA:

Opposed, Legislator Montano. Abstention, Legislator Vilorio•Fisher.

MR. BARTON:

15.

P.O. CARACAPPA:

Thank you. **1664, 64 A.** This is a three•quarter vote. **(Amending the 2004 Capital budget and Program and appropriating funds in connection with the application and removal of lane markings).** Motion by Legislator Foley, seconded by Legislator O'Leary.

LEG. FOLEY:

On the motion, Mr. Chairman.

P.O. CARACAPPA:

On the motion, Legislator Foley.

LEG. FOLEY:

Thank you, Mr. Chairman. Other 14 vote resolutions have fallen a few vote short and have had to have been tabled for the next meeting. I would hope that we could have 14 votes for this, because this gets to an issue that we in the Public Works and Transportation Committee have been grappling with as has Public Safety. Mr. Chairman, could I have some attention on this, please.

This gets to a traffic safety issue, which is the application and removal of lane markings. It's been proven particularly at the busiest intersections and roadways in our County, which are among the busiest in the State of New York, that lane markings help drivers to negotiate through a •• through a roadway or a busy intersection, in that we have had •• we've lacked funding

in this area for a period of time, and that we need to move forward with funding in this particular area of the County Budget. Now, yes, normally it's done through the Operating Budget, but because of concerns that we have had about funding in the Operating Budget, this does •• this is permitted to be utilized under the Capital Program with the waiver that we've approved for waiving the Operating Budget requirement. So I would hope that different from some of the other resolutions that people have stood on principle, if you will, about budgeting, I think in this case, the traffic safety issues trump whatever budgeting principles some may have about Operating versus Capital monies.

P.O. CARACAPPA:

Thank you. Legislator Alden, then Losquadro.

LEG. ALDEN:

I have a general question, maybe it can be answered by the Chairman of Public Works. Why are we having a whole bunch of resolutions today that change the funding from ••

P.O. CARACAPPA:

I can answer that. Because the 5•25•5 Law that we enacted, the suspension was just •• was just approved by the Secretary of State. We couldn't act on them based on the method of financing changes. So now that that's been enacted, we can.

LEG. ALDEN:

But aren't these included in our Operating Budget?

P.O. CARACAPPA:

Yes, but this Legislature set a policy early on when we did the \$100 million savings plan in the late spring to suspend the 5•25•5 Program and to bond small items like we had done in the years past to safe cash upfront. So we did that. There was a little bit of delay in the certifying of that law, and now that it has been certified, that why we're going this way.

LEG. ALDEN:

I thought it was going to be more on a discussionary type basis, though. I though we were still going to do some things that we could under a cash

basis, and then if there were emergency things or things that, you know, regarded the public's safety and things that had to be done, that we were going to go the route of Capital. Because, I mean, either way, you know, capitalizing a lot of these expenses is not going to help us either. We're digging a deeper hole for a couple of years out. And not just a couple of years out, you can project it out for the life of these bonds that are going out there, which should be either five, ten, 15 or 20 year bonds or maybe even longer ones.

P.O. CARACAPPA:

I don't tend to disagree with you on that statement. That's why when we debated this item when we did this bill we said to each that each of us could show restraint because we would have separate bites at the apple on each and every resolution that came before us as it related to changing the method of finance. So you are doing just that. It's up to Legislators as individuals to vote in their conscience whether they feel it's a necessity or a non necessity to approve these 14 vote resolutions. Thank you.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Yes. Thank you, Mr. Chairman. Legislator Alden and others, I would just argue your support on this particular bill. This is funding which is desperately needed. Part of it addresses one of only two County roads in my district, one of which, County Road 21, one the intersections to be addressed is a terrible traffic hazard right now. This money will go a long way towards improving that intersection. And I would just urge your support on this. It's a relatively small funding item of \$100,000, but it will go a long way towards improving traffic safety. Thank you.

P.O. CARACAPPA:

Anybody else? Roll call.

**(ROLL WAS CALLED BY HENRY BARTON • CLERK OF THE
LEGISLATURE)**

LEG. FOLEY:

Yes.

LEG. O'LEARY:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not present).

LEG. BINDER:

Yes.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. VILORIA • FISHER:

Yes.

LEG. SCHNEIDERMAN:

Yes.

LEG. CARACCILO:

Yes.

D.P.O. CARPENTER:

Yes.

P.O. CARACAPPA:

Yes.

MR. BARTON:

16•1, one not presentation the bond.

P.O. CARACAPPA:

Same motion, same second, same vote on the companion resolution. **1665, (Authorizing the increase to the discharge to the Suffolk County Sewer District No. 3 • Southwest by Belmont Villas).** Is there a motion?

LEG. MYSTAL:

Motion to table.

LEG. CRECCA:

Motion to approve.

LEG. MYSTAL:

Motion to table.

P.O. CARACAPPA:

Hold on. There's a motion to approve by Legislator Crecca. Is there a

second?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Seconded by Legislator O'Leary. Motion to table by Legislator Mystal, seconded by Legislator Montano which takes precedence. On the motion to table, Legislator Alden.

LEG. ALDEN:

Can somebody give me a brief explanation of what Belmont Villas are?

LEG. MYSTAL:

I can if you give me the time.

P.O. CARACAPPA:

Legislator Mystal, feel free.

LEG. MYSTAL:

It's a development for housing in the Belmont Lake area in Babylon Town. What has happened is that the project was put in. There is a piece of land that is right now in contention, because the land belongs to the County. And the land •• the developer wants to do a swap between his land and the County's land. The problem is that when we were first approached, he told us he wanted the land as a buffer. Now, he comes back and says, I want the land, but I want to build on it. And I don't think it is a good policy for us to swap parkland or part of a parkland, because somebody will build on it. If you want it •• if you want it as a buffer that will remain, you know, like park like, that's no problem, but he wants to build on it.

[RETURN OF COURT STENOGRAPHER • LUCIA BRAATEN]

LEG. ALDEN:

If it's going to remain as a parkland or a buffer, they wouldn't need this.

LEG. MYSTAL:

Well, they still would need a sewer, you know, increase more or less, but right now, I'm just •• I just want •• I just want that resolved before they can proceed and just start building, because they went to the IDA and got •• secure some funds with the understanding that they were going to build "X" amount of units, but they never told the IDA that they didn't own the land yet, because there's a long process they'd have to go through. We have to approve the land swap in the Legislature, then turn it over to the Town, and then the Town has to turn it over to him. But he went ahead anyway and had his plan drawn, went to the financial market, got, you know, some approval on "X" amount of units that include land on that •• on that parkland, and which he doesn't have yet.

P.O. CARACAPPA:

Legislator Bishop, then Crecca.

LEG. BISHOP:

I just want to concur with what Legislator Mystal is saying, and say •• and further point out that the project has always been troubling from the beginning, because it's built upon the headwaters of the Carlls River, which we have approved numerous resolutions in recent years to spend millions of dollars to preserve its integrity. So, the land swap and the additional units, which require more sewer capacity, all of this should be reviewed and we should act carefully. And Legislator Mystal, who represents that area, is seeking more time to do just that.

P.O. CARACAPPA:

Legislator Crecca, then Lindsay.

LEG. LINDSAY:

I found what I want.

LEG. CRECCA:

Yeah. I think that we should work out a deal with the Town, maybe, where they could give us more workforce housing in exchange for hooking up to the sewers, because •• isn't that a great idea? So, yeah. Because that's •• you know, I know this district•specific to Legislator Mystal and, you know, but I know that that's the new policy, is to try to strong•arm towns into

doing stuff in exchange for having ••

P.O. CARACAPPA:

You make a •• you make a very good point, Legislator Crecca.

LEG. MYSTAL:

Legislator Crecca, I will definitely try to get more workforce housing out of that development, trust me, because if he's going to build it, he's going to give me at least 20% workforce housing in there.

P.O. CARACAPPA:

Okay.

LEG. MYSTAL:

And that will not be a bad thing.

P.O. CARACAPPA:

1665. There's a motion to table by the District Legislator who it affects, and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1666 • Authorizing execution of agreement by the Administrative Head of Suffolk County Sewer District No. 13 • Windwatch with Motor Parkway Associates (IS • 1428). Motion by Legislator Foley.

LEG. O'LEARY:

Second. Second.

P.O. CARACAPPA:

Is there a second?

LEG. O'LEARY:

Second.

P.O. CARACAPPA:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1454 (A Local law strengthening anti•corruption laws for County contracts).

LEG. COOPER:

A motion to approve.

P.O. CARACAPPA:

Explanation. Is there a second?

LEG. CRECCA:

I'll second it.

P.O. CARACAPPA:

Second by Legislator Crecca?

LEG. CRECCA:

Yes, sir.

P.O. CARACAPPA:

Explanation, please.

LEG. CRECCA:

I like this bill.

LEG. COOPER:

The legislation would prohibit any individual or entity from entering into a contractual arrangement with Suffolk County if they were convicted of a bribery or corruption related offense. Right now there's a prohibition for a three•year period, this would extend it for ten years.

P.O. CARACAPPA:

If they've been convicted?

LEG. COOPER:

If they've been convicted.

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

It's fair enough.

LEG. CRECCA:

Henry, do you have me as a cosponsor?

LEG. BINDER:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

We kind of had this conversation in the Rules Committee. It would seem to me that we would have to ask ourselves why we would want to be in any contractual relationship ever with anyone that's had •• been convicted under this particular section. It's not like a section where you say, "Oops, I didn't mean that, I did this." You know, bribery is not an "oops" thing, it's a serious thing. And so, someone could be out of jail in that ten•year period still and they could be doing bribery in another county while they're •• but just not caught. They've been in jail, they're out, and now they're with us. So, it seems to me we should just ban it outright.

And I was hoping that the sponsor would consider doing ten years, just say we •• let someone who's convicted of this go to Nassau County, or another county, but they don't have to come here. And so it seems to me we should ban them for life, and so if we pass this today, I'm probably going to follow

it with something, that way it would be a ban to life •• for life, unless the sponsor wants to strengthen it that way.

P.O. CARACAPPA:

Legislator Cooper.

LEG. COOPER:

I had addressed this question with Legislative Counsel this morning, and I would ask Mea Knapp to address this now. And she had some •• Mea, I'll let you speak.

MS. KNAPP:

Legislator Cooper did ask me this morning about the possibility of tabling this and look at a ban for life. The concern that I raised, and I haven't researched it yet, is there is an excessive penalties in the United States Constitution, there's an excessive penalties clause, and I wasn't certain whether or not a lifetime ban might violate that.

And Legislator ••

LEG. ALDEN:

Pete Rose.

MS. KNAPP:

Well, while corruption is clearly something, if you look at the list, there are one or two on the list, and they're not limited to felonies. There's a conspiracy there, which could be a conspiracy for some lesser crime. Again, Legislator Cooper, as Legislator Binder, expressed interest in a lifetime ban, but I wasn't prepared to opine on that as of this morning.

LEG. COOPER:

Well, you know what, the next meeting is in only a couple of weeks. Why don't we table this bill, if you can do some research, Mea, and perhaps we can amend the resolution.

P.O. CARACAPPA:

That's diplomatic of you, Jonathan. Yes, okay. Motion to table by the sponsor, Legislator Cooper.

LEG. BINDER:

Second.

P.O. CARACAPPA:

Second by Legislator Binder. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1627 (Authorizing the Department of Law to study the feasibility of legal action against oil companies to obtain price relief for consumers). Motion by Legislator Lindsay, second by Legislator Alden, as Chair. All in favor?

LEG. MONTANO:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Montano, then Bishop.

LEG. BISHOP:

I just want to know, what's our angle?

LEG. FOLEY:

You're not going to say it on the record what your angle is.

LEG. VILORIA • FISHER:

Show your hand.

LEG. BISHOP:

We have to put in our papers.

LEG. MONTANO:

We're on 1627?

P.O. CARACAPPA:

16 ••

LEG. MONTANO:

No, I'll withdraw that.

P.O. CARACAPPA:

Okay. Legislator Bishop, the floor is yours.

LEG. BISHOP:

I want an explanation from the sponsor, what's the cause, what's the theory?

LEG. LINDSAY:

Well, the price of gasoline certainly went up over the last six months tremendously, and the theory is that there's some excessive charging to the cost of gasoline, and that somebody's making a huge profit. And it would follow along the same line as our pharmaceutical lawsuit in that, as a County, we have a lot of vehicles, we use a lot of gasoline, so we're an interested party. The original bill has been modified that it's asking the Law Department to study the feasibility of such a suit, and to see if we could get an attorney to take it on a contingency basis.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

We turned up some evidence, too, that some of the recent merges in the past couple of years have decreased the number of oil companies, and just through those actions, that's led to higher oil prices. And, again, as Legislator Lindsay pointed out, we're not authorizing a lawsuit at this point in time. If we find out that a lawsuit might work and we might be able to get somebody to do it on a contingency basis, they would still have to come back to us for approval of that.

P.O. CARACAPPA:

Okay. I'd like to thank Legislator Lindsay and Legislator Alden for their diligence on this issue over the years, because it's •• though we're kind of hamstrung locally, just bringing the attention to the matter does a great deal for our constituency, so I thank you. There's a motion and a second. All in favor? Opposed? Abstentions?

MR. BARTON:

17. (Not Present: Leg. Tonna)

P.O. CARACAPPA:

1680 • Authorizing sale of surplus properties sold at the June 15th, 2004 auction (pursuant to Local Law 13 • 1976 as per Exhibit "A" (Omnibus Resolution).

LEG. VILORIA • FISHER:

Motion.

LEG. MYSTAL:

Motion to table.

LEG. MONTANO:

Second.

P.O. CARACAPPA:

Motion to table the entire •• in its entirety?

LEG. MYSTAL:

In its entirety.

P.O. CARACAPPA:

There's a second. A motion to table by Legislator Mystal, second by Legislator Montano.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion, Legislator Alden.

LEG. ALDEN:

You want to send it back to committee, because you raised some questions, and then I thought you were satisfied in committee, that's why we passed it out.

LEG. MYSTAL:

Well, we still have some serious problems with it. By "we", I mean a couple of Legislators around here. We have a problem in terms of distribution of the profit that is made under properties that are sold. What happened is that somebody, let's say, from my district lose the house, the County takes the house. By the time they sell the house, there's a large amount of equity built into that house. The County takes all the money. What we want to the County to do is to get their fee, their tax •• get the taxes, their interest and penalty, and return the equity to the people who originally owned the house, but that's not what happened nowadays, so ••

LEG. VILORIA•FISHER:

On the motion.

P.O. CARACAPPA:

Hold on. Did I hear "on the motion" on this side?

LEG. MONTANO:

Put me on the list.

P.O. CARACAPPA:

You're on the list already, Rick. Legislator Alden, and then Montano, then Viloría•Fisher.

LEG. ALDEN:

Well, now at least I understand what we're doing, because this is something that came out of a Newsday expose the other day, and some of us •• you know, some of us might agree with that, some of us might disagree with that, but that's County policy right now. And to hold up this resolution, we

need the money in the County coffers, and this has been the County policy all along.

But is it your intention, then, to not go forward with any sales of County surplus property? Because we do •• some of these actually go through and become affordable housing, they go into different programs, so some of these houses are used to go to affordable housing programs, some of them are used for other purposes, but for the most part, it's money that's budgeted into the •• into the running of the County.

LEG. MYSTAL:

I do understand that and •• but mostly the properties that you're talking that goes to affordable housing, at least from my experience, usually wind up in the hand of speculators who buys them, rents them out.

LEG. ALDEN:

Just one cautionary word, then. If we're going to change the policy in Suffolk County whereby you don't have to pay your taxes, and at some point in time, five years, ten years down the line, after you not paying taxes, Suffolk County's going to go and conduct an auction for you and hand you back the surplus, that is an illegal use of taxpayers dollars, and I'll bring a lawsuit.

LEG. MYSTAL:

Legislator Alden ••

LEG. ALDEN:

You're not going to use my money to allow some speculator to go out there and own a hundred pieces of property that he never pays the taxes on it and makes a huge profit on it, because ••

LEG. MYSTAL:

Legislator Alden, I don't think anybody who has a house in Suffolk County willingly goes out and not pay their taxes, so the County can conduct an auction. First of all, it takes six years to get the auction, and a lot times, the house that are bought are in such poor condition that the County does not make any money out of it. What I'm looking at it, you know, because

we had a boom in the real estate market in the past four or five years, most of those houses that are taken are not speculators' housing, because they are too smart and too crafty, they have too many lawyers who show them the loophole in how to get away with it. The people who wind up losing their houses are old people, minority people, people of color, who cannot afford to pay their taxes. That's what happened to them. I don't think anybody willingly ••

LEG. ALDEN:

And those are unfortunate things.

LEG. MYSTAL:

•• goes out ••

LEG. ALDEN:

Those are unfortunate things. But built into the law is a process whereby for three to five years, we allow them to come pack in, pay all the penalties and back•taxes, and allow them to take their property back. If you create a law that actually encourages somebody to go out there and just spend your cash and buy all these things, and then five to ten years later, the County's even going to conduct the auction for you and then cut you a nice little check, I don't think that's the right way to go in the County.

If you want to take care of another situation where you have a widow, an orphan, or somebody like that, that maybe they haven't had somebody appropriately appointed to look after their affairs, if you want to create something like that, I'd look at it. But, if you're talking about a complete overhaul that allows this loophole to be created, I'd have to strongly and vigorously, you know, oppose that.

LEG. MYSTAL:

I don't disagree with you in terms of, you know, creating a loophole, but the only word I would disagree with you is the word "encouraging". I don't think anybody who has a house has been encouraged, no matter what •• you know, that they won't pay their taxes, because in the hope that somehow the County will conduct an auction for them, sell the house, and then have the equity. I don't think anybody was sitting in the house paying their

mortgage, and speculators do not lose their houses. They have •• if you were you do the research, you will find out speculators who buy houses, they don't lose their houses, because they rent them out and they always got the money. They only time they lose the house is that when they walk away from it and we usually demolish it, because it's become a crack house.

LEG. ALDEN:

Build a loophole and they will come.

P.O. CARACAPPA:

Okay.

LEG. TONNA:

I agree with Legislator Alden.

P.O. CARACAPPA:

It should •• you know, my personal •• yes, maybe we should look into adjusting the system, but we have to do it prospectively, not retrospectively, because open up a can of worms, and we should give it due deliberation. And the people that went through the auction process recently, they shouldn't be saddled with something that you want to do prospectively, and we could get in a lot of trouble. Anyway, Legislator Montano, Vilorio•Fisher, Binder, Lindsay, Carpenter, Nowick, Tonna. I'm sorry, Vilorio•Fisher, Binder, Lindsay, Tonna, Nowick. Rick, you're up.

LEG. MONTANO:

All right. I seconded the motion to table. This issue came up before the Legislature at the last meeting. I think it came in with a C of N and we raised some objections. We had some serious questions with respect to some of the persons, some of the people whose homes were sold. There were at least two stories that I'm aware of in Newsday that talked about the people themselves, the fact that some would be homeless. My question had to deal with the issue that there was such a disparity between the taxes that were owed and the market value of the properties.

I found it very difficult to understand how somebody would allow their home

to be sold at auction when there are so many different options available, whether it be speculators, whether it be refinancing. And, at this point, all right the auction has been held. However, I have some serious questions about some of these sales. And I think that we should look at this issue, both from the long-term perspective that Legislator Mystal addressed, which is do we •• do we actually keep the enormous equity that people could have acquired over the years, but for some reason fell through?

I mean, and I said this at the last meeting, I would be in favor of supporting a process at auction where the County recoups the money that it's owed, because people have to pay their taxes. And we also recoup the expenses associated with the auction, so that the County does not give a free ride to any person who hasn't paid their taxes. But, somehow, we have to find a way of dealing with the issue of that increased equity. If there are some situations where people, for medical reasons, for disability reasons, or just because they don't understand what's going on around them, it would be unfortunate for them to lose their homes under this situation.

The County is not a business. We shouldn't be involved in taking people's property and taking the equity out of it when we can just take our administrative or right, pay our Department of Real Estate for its time and effort, pay our employees. I think we're moving too fast on this issue. We haven't had •• we haven't had an auction in awhile, as I understand. We did this one quickly. There's a lot of money on the table there, and the County can •• we don't need to put that in the County coffers at this point.

I would ask that we table the resolution and look at these issues and then come back and see whether or not this is the process that we want to follow.

P.O. CARACAPPA:

Thank you. Legislator Vilorio•Fisher, then Binder.

LEG. VILORIA•FISHER:

Thank you, Mr. Chair. I don't really believe that we should be debating the method •• the merits of the process at this point. We are in contract with every one of those buyers. If we want to discuss the process, make

changes to the process at some later date, that would be the appropriate time to do it.

I concur with everything that Legislator Alden has said regarding the process, and •• but I just need to point something out that recently happened with my office, and every one of us has probably experienced this. There was a woman who was in danger of losing her home. Her husband died. He had not been paying taxes for years. She didn't know it, he did all the finances. The help that she got from every County office to help her deal with this, and it was her County •• one of the •• I think the Treasurer's Office or the Tax •• sent her to me. She wasn't someone who was connected and knew to call her Legislator, they told her, "Call your Legislator," and then they helped me to help her.

So, we are in the kind of situation where I think we're presenting all of those options to the homeowners. They have six years. We are in contract. I don't think that we can legally vote against this without being sued. We have to let this resolution move forward.

That being said, I don't really see that this is a •• this is a discussion that merits debate at this point. We should just vote yes on this, let it move forward, and if there are objections to the process, we should address it in some other •• some other format.

P.O. CARACAPPA:

That's well stated. Legislator Binder.

LEG. BINDER:

Thank you. The comments by Legislator Alden I would take issue with, because, if it were true, that speculators were going out, not paying taxes, so they can wait to get the profit later and let it go back to the County, then we would have the same system happening in mortgages. People would •• speculators would be buying houses all over the place, not paying the mortgage, waiting for it to go to auction, then they'd be getting the profit, which they do, after the bank is paid off, but they'd be trying to get their equity that way. The truth is that you can't speculate and know that the price is going to go up, particularly up enough to cover onerous, and they

really are onerous, penalties, interest, and we should be getting costs. So, I would •• I disagree, that, you know, with our money, we're going to go out and •• the taxpayer money that we're auctioning off these things. No, we should get that money. That should be part of what we should be paid. Any of our costs, all the penalties, all the fees, that should all come to the County.

So, this is not a haven for speculators, that they can, you know, buy off all this land, not pay, and then later on do well, because after all the costs, it actually might cost them. It might cost them in the end, because of all the • of what it would •• of what it would cost. This is •• I disagree with that.

So, now we get to the question of whether we should hold this particular thing up until we can maybe fix the system. And it would seem to me that we could do a fix rather quickly. We may be in contract with these people, but people in real estate know that it takes, and it could take a month to two months with various questions to get to contract and to get to closing. So, I don't think we're in such a rush that we have to do it right now and we have to pass this and go forward.

I think we can •• what we did was we've gotten our purchasers, we know people want to buy property. Now what we should do is fix the system of what happens when we get to the closing table, where does the money go? And we should take at least two meetings, because we can put in a bill at the next meeting and hopefully pass the one after that, and that would affect what happens at the closing table here and where the money goes, because the bottom line is that the County should not be in the business of taking people's equity. It's not •• we're not talking really speculators, that's not what we're talking, we're talking people nine times out of ten, more than nine times out of ten who just couldn't make it.

Now, maybe we give them a lot of years, and maybe we give them a lot of help, and with all that still, in this country, the most valued thing we have, when we look back at our founding fathers and the Constitution of this United States, is property rights. We're built on those property rights. Now, I understand, we also have to pay taxes. We also had tax revolts through our years, too, and we question how much we should pay in taxes, but you

have to pay some taxes, that's the law. And if they don't, then there is a consequence. So, we will close, we will go to auction. You will lose your land. People don't want to do that. They don't want to give it away and pay all the penalties and pay everything, because that appreciation might not even equal all those costs, so ••

P.O. CARACAPPA:

We're debating future process.

LEG. BINDER:

Right, but it's not a future process, it's current, and there's the point.

P.O. CARACAPPA:

It's not.

LEG. BINDER:

We've got something before us now that says we're soon going to go to the closing table. This is not closing table yet. We can go to the closing table in another month. With these auction •• we're not going to loose these auction buyers. And my point is that in the interim, we can make a new decision as to where the money goes, then pass this resolution, then go to the closing table, and then we will know that the people will get, after we get all of our costs, all of our costs for labor, all of our costs to auction, penalties, fees, everything, then if there's a difference, even if it's \$5 or \$100,000, they should get the difference, and we should make that happen before we •• before we pass this. We can pass this in a month and still get these same buyers. It will still happen. The difference is we'll do it right then. So, I would support tabling.

P.O. CARACAPPA:

The only fear I have there is how much extra do you give them, the full amount after cost to the County, or do you do it based on •• based on the Real Estate market over the last couple of years here in Suffolk County, it's been tremendous, we know that. Do we appraise them and give them, based on what it was appraised when the County took title to the house, or do we do it on current market values? See, these have to be all worked out before we enter into some sort of agreement like that.

LEG. BINDER:

And you asked the right question, and I think we should work that out between now and the time we pass this resolution. We should come up with maybe •• maybe two versions. Maybe you have a version that says that it's an appraisal value. I think that whatever the market bears, that's the economic system of our country, and whatever the market bore in this situation was an auction, and so that's what the market bears, and the difference between what we're owed and what in the end a buyer is going to buy it for, and that's the market, that's the difference that you go to the owner, I think, but you might have a different opinion, but have different bills.

P.O. CARACAPPA:

Okay. We're going to go on with the next speaker, but let's keep current to the list that's before us, the auction list, not possible bills that will come before us in the next couple of weeks. So, as it relates to 1680, I'd ask for Legislator Lindsay, proceed.

LEG. LINDSAY:

Mr. Chairman, I don't want to give up my time, but I would like •• I can see Ben Zwirn pacing over there. I'd like the opinion of the administration on going forward on this. If you would allow that.

P.O. CARACAPPA:

Yes, I will allow it. Mr. Zwirn, quickly, 30 seconds or less.

MR. ZWIRN:

Thank you. First, let me •• I mean, this is a very healthy debate. I think the administration's position is very similar to Legislator Alden's position. There's a 5 million dollar hole in this budget this year that this Legislature and the County Executive worked on, which was from the sale of these properties. Having been in Nassau County and a County Supervisor there back in 1990, the law at that time on tax lien redemptions was one year to redeem, and it was being done by real estate speculators, not by the County. I proposed a law at that point to mirror, at that point, to mirror Suffolk County, because Suffolk County kept the real estate speculators out,

and they were much more compassionate, and the Suffolk County law is much more compassionate than almost anywhere in the country. I mean, originally, it was a three-year redemption period. Suffolk County increased that to almost six years.

Now, I know there was a story in Newsday yesterday, it was in the front page, and we can speak to that particular case. I mean, it seemed very sympathetic in Newsday. It's not that sympathetic when you start looking at the facts. In fact, the facts are quite opposite. And to show you that the efforts that this Legislature goes through, we have a CN today from Legislator Carpenter, who's trying to help a constituent in a redemption process, so that she can sell the property instead of losing it, which is just another step where this body is taking the extra measures to protect the taxpayers. But, if you don't have a hammer at some end, what would be the incentive to pay a tax, if you know you could live in your house for six to ten years without paying taxes, and at the end of that, the County is going to sell it for you, you get your equity and you walk away? I mean, it's a pretty harsh reality at the end of the program, but the fact is, is that most people in this County are playing by the rules and the money is going back to the taxpayers, who have carried the property, with the services and everything else, over the last couple of years.

But, as I say, you have a six-year window. You have Social Services that will step in to help people who need help. I mean, this county has taken almost all the measures that are humanly possible to try to protect their residents and the taxpayers of the County on a whole.

But Legislator Alden also makes a very interesting legal point at the end and this process has been litigated. Specifically, there's a case right on point, which is a Suffolk County case that to the Court of Appeals in 1986 which said it's not a taking, and I'd be glad to provide the case for Legislator Binder or anybody else who wants to see.

P.O. CARACAPPA:

So, I think what Legislator Lindsay wants to know from the County Executive's Office is do you support the pass tabling of the bill?

MR. ZWIRN:

Yes, we do, yes, very much.

P.O. CARACAPPA:

Was that it, Bill?

LEG. LINDSAY:

Yes.

LEG. MYSTAL:

Bill, before you go.

P.O. CARACAPPA:

Yes, you still have the floor.

LEG. CRECCA:

That does it for me. The Republicans agree with the County Executive, it's a first.

LEG. MYSTAL:

That's scary.

LEG. LINDSAY:

I just want ••

LEG. MYSTAL:

Alden and the County Exec, that's scary.

P.O. CARACAPPA:

Legislator Lindsay.

LEG. LINDSAY:

•• want to address some of the comments that were made in prior debate of this issue. I guess, for about thirteen years, I was on the Board of the Long Island Housing Partnership, and over that period of time, the Housing Partnership built literally hundreds of houses that were •• absolutely went to people that were deserving of them. Most of them went through an actual

auction. You had to qualify and then your name was pulled out of a hat, because there was that many applicants for affordable housing. The housing became affordable because we got the property through 72•h's, through the County to the Town, and the Town turned it over to the Housing Partnership, built a house on a property that they got for nothing, and then turned around and shared that saving with people that desperately wanted to stay in our communities. So, that •• you know, if we were to change this process, you would lose a lot of that benefit.

I agree with Ben Zwirn in that, if we did not go through with this resolution, it would create a hole in the Operating Budget, and what that in effect would mean, that 5 million dollars would be passed on to taxpayers that are paying their taxes, and there's something I think wrong with that.

The third point that I wanted to make is the last time that I think we refused to go through with an auction was with Mr. Tuccio, and I think we're still in court being sued over that.

And I have •• the most recent acquisition I have in my district is an old factory that was an eyesore to the whole neighborhood, it was called the Wallpaper Factory in Ronkonkoma. And it's •• the reason the owners stopped paying the taxes is because it became a toxic dump, and it would have cost him more to clean it up and sell it than to just not pay the taxes and leave us saddled with it. So, if we were to change the process, what would we do with this guy? We would reclaim the property, clean it up, sell it and then give him the profits? There's something wrong with that.

I'm all for to listen to any kind of reforms in the process, especially, I know a couple of years ago when LILCO was still around, there were some incidences where they shut off the lights on some elderly people, and they put in a process where we had to •• they identified, not the owner, but the owner's heir or someone else. There was a second notification to a different person to prevent the notifications from maybe being received by someone that's unstable, or something like that, and wind up losing their property. I think we're all compassionate to that type of situation, but I would be opposed to foregoing this auction at this point.

P.O. CARACAPPA:

Thank you, Legislator Lindsay. Legislator Tonna.

LEG. TONNA:

Thank you very much. I just •• I find myself agreeing with Legislator Alden and some of the comments said here. The key issue for me is, look, an issue was raised by Newsday, and all of us, it's on our radar screen. We should look into it. We need to do •• I mean, we need to do some research on it, but that doesn't mean hold up the process as we go along. We should continue with our process until we find out.

The one thing that I don't want is to set up an incentive for people not to pay their taxes. Everybody knows that's why banks, you know, for most of us who hold mortgages, and hold mortgages, pay mortgages, know that the banks step in early in the process. If you're not paying your taxes, the banks will reclaim, you know, so they never lose any money on it. So, now we're talking about a smaller group of people, those people who own their houses; all right?

If somebody said, "Hey, look, you know what, I can go five, six, seven years without paying taxes, and then get the equity in the house later on, you know, that is a business decision that would be made, that, one, the regular •• the other taxpayers, the people who pay their taxes in Suffolk County, are going to have to pick up that burden.

So, we have to think very carefully, not just some knee•jerk solution or reaction because Newsday writes an article, to stop a process that we've been with for a very, very long time. We need data. We need to find out what is the abuse, or whatever else, and we should not pass laws that have •• that provide incentive for residents not to pay taxes.

Let's go ahead with the auction, let's continue. Maybe, whether it be in the Ways and Means Committee, or, you know, subset, that the Presiding Officer wants to set up a small ad hoc committee, or whatever the suggestion is, we should get some data, look at it and say, you know, "What are we talking about liability to these people." But we shouldn't legislate from knee•jerk reactions. Continue to go ahead and then look at the thing. Thank you.

P.O. CARACAPPA:

Thank you, Legislator Tonna. Legislator Carpenter, then Nowick.

D.P.O. CARPENTER:

Thank you.

P.O. CARACAPPA:

Then Alden, then Montano.

D.P.O. CARPENTER:

A lot of what I wanted to say has been said. I do agree.

LEG. BISHOP:

Good.

D.P.O. CARPENTER:

The article that was in Newsday we all seem to have reacted to, but I have to tell you that my office really reacted because that was my constituent. And we did everything humanly possible to help that gentleman through the process, including having the property lifted from the auction twice to have him have the opportunity to do whatever he felt was necessary to do, so that he could redeem his property. For some reason, he was adamant in plowing through the way he did and ultimately brought this to the auction block.

I think we need to •• if you're going to react to a Newsday story, let's think about the story in Newsday right after the auction was completed a couple of months ago when they interviewed people who were successful in the auction process, who were going to be first•time home•buyers, who were looking forward to owning their homes. What are we doing to them if we change the rules midstream? I think we leave ourselves open for possible lawsuits. I think we leave ourselves open for a lot of really negative things that could happen if we do that. I mean, in conscience, we held an auction, we agreed to sell these properties for whatever the term was to the people that were successful bidders, and I think we have a moral obligation to go through. If we want to look at the process, as been said already, certainly,

we should do that, but for us now not to act on this particular resolution in the auction would be derelict in our duties.

P.O. CARACAPPA:

Thank you. Legislator Nowick.

LEG. NOWICK:

Yeah. Just briefly, I would be remiss if I didn't say just a few things. Yes, we probably have to go through with this auction, and that's what the law is right now, but the law's broken. The law is •• it's really not •• in six years as a Tax Receiver, I have never seen anybody come into that Tax Receivers Office, if they owed money •• excuse me one second.

LEG. CRECCA:

I'm sorry.

LEG. NOWICK:

People that can't pay their taxes would come into the office with their tail between their legs broken•hearted, nothing they were proud of. And for the most part, they didn't even share it, because they were too embarrassed. A lot of them were older people, maybe like our parents' age, that were very embarrassed that they were at the point of their lives where they couldn't pay their taxes.

So, I think, for the most part, these •• for the most part, and I'm not saying in every case, but, for the most part, these people are not planning to live in a house forever and not pay their taxes. They don't want to lose their homes.

We need to be cognizant of the fact that this law needs some tweaking. There's got to be a way to define people that are scamming the system. And Legislator Alden is right, there are people, and people that are truly in trouble, people •• there's got to be a way to check their background, their balance sheets, so to speak, or if they were sick. There are different people, and I think the law should address that eventually. But, of course, right now, we have to deal with what we have. But do remember that most people hide, hide the fact that they owe tax money, because they're

embarrassed.

P.O. CARACAPPA:

Thank you. Legislator Alden, then Montano.

LEG. VILORIA•FISHER:

Legislator Alden, if you could just ••

LEG. ALDEN:

To welcome somebody? Go ahead.

LEG. VILORIA•FISHER:

Yes, I just ••

LEG. ALDEN:

I'll suffer an interruption.

LEG. VILORIA•FISHER:

•• wanted to have everyone •• give everyone a sense of deja vu, so I asked my old friend, Nora, to come up here for a minute. Some of you saw her in this chair here. For those of you who don't know her, Nora Bredes, the former Legislator from the Fifth District.

LEG. TONNA:

What did you mean by old?

LEG. ALDEN:

Hi, Nora.

MS. BREDES:

I didn't mean to interrupt your debate. I know it's very worthwhile, and it's wonderful to hear you all again.

P.O. CARACAPPA:

Sure.

MS. BREDES:

And not talk.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just a couple of more points that ••

P.O. CARACAPPA:

Welcome.

LEG. ALDEN:

•• I think we have to ••

P.O. CARACAPPA:

Welcome, Nora. Welcome back. Sorry.

LEG. ALDEN:

A couple of points we have to look at. Number one, and I think this is still the policy, on all of these properties that we're selling today, Suffolk County has gone ahead and paid the taxes actually for these people. If I'm not correct on that, I see some people here from •• Mr. Thompson and a few others that might be able to correct me on that, but we've already paid these taxes for usually somewhere between four to six years, seven years in some cases, so the people of Suffolk County have already paid these taxes.

Number two, the terms of sale require these people to close that we've sold these properties to in how short of a period of time?

MS. ZIELENSKI:

Six months.

LEG. ALDEN:

Yeah. We've already got the clock running on that, because we've conducted the •• when we've gone to contract with these people, so we conducted the auction. The clock's ticking on that. Breach of contracts in this •• in this regard, I don't think we have any •• there's no defenses on

our part that I could see a judge giving us any credit for, so I think that this would be a quite costly group of lawsuits.

The last point, and I'm not sure what it is, but I think it's below 14%, the interest, when you add the interest and the penalties in. So, somebody that doesn't pay their taxes, they're certainly not up in the credit card end of it, and that's usually in the 18 to 22, 23% range. So, I think it's in the low end of an unsecured loan, and most people can't even get a line of credit, you know, unsecured line of credit for 12 or 14%. So, the amount of money that we charge people that don't pay •• that don't pay the taxes to us, where we lay out the money for them, is in about the 10, 11, 12% range. So, I just wanted to point those few things out.

LEG. MYSTAL:

Mr. Chair, just ••

P.O. CARACAPPA:

There's a list.

LEG. MYSTAL:

But just a correction, just a correction. Legislator Alden kept saying we lay out the money. When we take a house over because of nontaxes payment, we do not, we do not pay the taxes on those houses.

LEG. ALDEN:

We absolutely do.

LEG. MYSTAL:

No, we don't.

LEG. ALDEN:

Well, do we have a •• I'm going to ask you to ••

P.O. CARACAPPA:

No, no, no, no.

LEG. BISHOP:

It's all right. It's all right, really.

LEG. ALDEN:

No, we have to clear that up.

LEG. BISHOP:

No, we don't have to.

LEG. ALDEN:

We absolutely pay the tax.

LEG. MYSTAL:

No, we don't.

P.O. CARACAPPA:

We do •• we do pay the tax.

LEG. MYSTAL:

When we sell it, when we sell the house.

LEG. BISHOP:

We do pay the tax. He's wrong, we all know it.

LEG. ALDEN:

We absolutely pay, we continue.

LEG. MYSTAL:

When we sell the house.

LEG. TONNA:

Why don't we have the Legal Counsel just say.

LEG. BISHOP:

No, no, no.

P.O. CARACAPPA:

This is not ••

LEG. TONNA:

Do we pay the tax or don't we pay the tax, Mea.

P.O. CARACAPPA:

Yes.

LEG. MYSTAL:

After we sell. When do we pay the tax?

LEG. TONNA:

No, we pay the tax.

LEG. BISHOP:

Come on, you're on a •• we pay the tax.

MS. KNAPP:

We make the town and the school district whole.

P.O. CARACAPPA:

Right.

LEG. MYSTAL:

We make the school district whole, that's ••

P.O. CARACAPPA:

Legislator Montano, then Carpenter, and then that's it.

LEG. MONTANO:

Just very briefly. First of all, I'm not •• I don't agree with Legislator Alden with respect to •• I think that these sales are conditioned upon Legislative approval, so I don't think that we have a floodgate of lawsuits coming our way if we hold off the auction, but that's not the issue. This is a very interesting debate. There are, obviously, strong philosophical issues on both sides. But I just want to bring us back to the issue.

We're here to debate whether or not we want to table this issue, so that we can look at these properties that are sold and make a determination as to where we want to go. Discussing the merits, we'll have plenty of opportunity to do that, if and when new legislation is proposed. I like the idea of holding off on this sale. The County is not going to go bust because we don't get our hands on 5 million dollars, you know, tomorrow.

I think what •• the nature of the debate itself leads me to believe that we should table this, because we really haven't finalized where we're at with respect to this issue and certainly with respect to these sales. I would like to hear more from the Department of Real Estate as to what's behind some of these sales. Maybe these horror stories are situations that aren't as horrible as they appear in Newsday, but I would like to know that before I make a final decision. That's why we should table the bill, and that's what this debate should be about at this point.

P.O. CARACAPPA:

Thank you, Legislator Montano. Legislator •• and finally, to end this discussion, Legislator Carpenter.

D.P.O. CARPENTER:

Thank you. I again can't say strongly enough how I feel that we need to move forward on this as a •• just out of a sense of responsibility to all those who in good faith came to that auction and went forward with properties.

And one point that I do want to make about the case that was cited in Newsday, the gentleman that was on the front cover, I have to tell you, the Department of Real Estate went absolutely above and beyond in trying to help that gentleman. There wasn't anything more they could have done. They were extraordinary in it. So, I just feel for us not to act appropriately on this resolution now would just be an injustice.

P.O. CARACAPPA:

Thank you. There's a motion to table and a second. All in favor?

LEG. CRECCA:

Roll call.

P.O. CARACAPPA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. MYSTAL:

Yes to table.

LEG. MONTANO:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

Nope.

LEG. BINDER:

Yes.

LEG. BISHOP:

Nope.

LEG. NOWICK:

Yes.

LEG. CRECCA:

No.

LEG. ALDEN:

No.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

No to table.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

No.

LEG. SCHNEIDERMAN:

Yes to table.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

No.

P.O. CARACAPPA:

No.

MR. BARTON:

Six.

P.O. CARACAPPA:

Tabling fails. Is there a motion to approve?

LEG. VILORIA • FISHER:

Motion.

P.O. CARACAPPA:

Motion by Legislator Viloría•Fisher, second by Legislator Carpenter to approve. All in favor? Opposed?

[OPPOSED SAID IN UNISON BY LEGISLATORS]

Opposed, Legislator Montano, Legislator Mystal, Legislator Binder, and Legislator Schneiderman.

LEG. BISHOP:

And Nowick.

P.O. CARACAPPA:

And Nowick.

LEG. BISHOP:

Scary, because she was a Tax Receiver.

MR. BARTON:

Thirteen.

LEG. COOPER:

Henry put in down as an abstain, please.

P.O. CARACAPPA:

It's approved.

LEG. COOPER:

Abstain.

MR. BARTON:

Abstain? Okay, 12.

P.O. CARACAPPA:

Still approved. ***1686 (Adopting Local Law No • • 2004, A Charter Law to ensure due deliberation of legislation).*** Motion by Legislator Montano, second by myself.

LEG. ALDEN:

On the motion.

P.O. CARACAPPA:

On the motion.

LEG. ALDEN:

Can Legislator Montano explain to me the need for this after looking at the prior motion?

LEG. VILORIA • FISHER:

Excuse me?

LEG. ALDEN:

No, I'm only kidding.

P.O. CARACAPPA:

He's kidding.

LEG. MONTANO:

Yeah, I know he's kidding.

P.O. CARACAPPA:

He's just making a joke. There's a motion and a second. All in favor? Opposed? Abstentions?

LEG. BISHOP:

Opposed.

P.O. CARACAPPA:

One opposition, Legislator Bishop.

MR. BARTON:

17.

P.O. CARACAPPA:

Okay. ***1745 (Authorizing certain technical correction to adopted Resolution No. 553 • 2004 and adopted Resolution No. 595 • 2004), 1748 (To provide fiscal responsibility to the management of the Employee Medical Health Plan), and 1749 (Directing the Department of Law to withdraw the Article 78 Proceeding County of Suffolk V.***

New York State Commission of Corrections), again, did not comply with our seven-day rule last week, so I'm going to make a motion to table each and every one of them at this point in time.

LEG. VILORIA FISHER:

Second.

LEG. ALDEN:

Second.

P.O. CARACAPPA:

And then we're going to lay them on the table as late starters. So, 1745, 1748, 1749, motion to table by myself, second by Legislator Crecca. All in •

LEG. TONNA:

Wait, wait, wait. 1749 ••

LEG. VILORIA FISHER:

Mr. Chair.

LEG. TONNA:

•• I have to abstain.

P.O. CARACAPPA:

No, no, no.

LEG. CRECCA:

No.

P.O. CARACAPPA:

All in favor? 1745, 1748 and 1749.

MR. BARTON:

And 34.

P.O. CARACAPPA:

We're tabling them.

LEG. TONNA:

Okay, yeah, fine.

P.O. CARACAPPA:

All in favor?

MR. BARTON:

And 1734.

P.O. CARACAPPA:

1734.

LEG. CRECCA:

That was done already.

P.O. CARACAPPA:

We did that.

LEG. CRECCA:

We tabled it earlier.

P.O. CARACAPPA:

We tabled that earlier.

MR. BARTON:

You're going to lay it on the table now?

P.O. CARACAPPA:

When I do the ••

MR. BARTON:

Okay.

P.O. CARACAPPA:

Right now, it's on the agenda and I'm tabling them.

MR. BARTON:

Okay. Thank you.

LEG. VILORIA•FISHER:

But haven't they gone through committee already?

P.O. CARACAPPA:

Yes, but we didn't •• they didn't comply with the seven•day rule, as I explained earlier today.

LEG. CRECCA:

Excuse me.

P.O. CARACAPPA:

They went through the committee and they shouldn't have. So, what we're going to do is relay them on the table and then go back to committee.

LEG. CRECCA:

Point of order.

LEG. VILORIA•FISHER:

Oh, okay.

LEG. FOLEY:

Well, why don't we recommit them to •• Mr. Chairman.

LEG. CRECCA:

Point of order, please.

P.O. CARACAPPA:

I'd rather •• time out. Andrew.

LEG. CRECCA:

Point of order.

P.O. CARACAPPA:

Point of order, Legislator Crecca.

LEG. CRECCA:

All right. I'm sorry. Never mind.

P.O. CARACAPPA:

Go ahead.

LEG. CRECCA:

On some of these bills, they're local laws, it's a waivable rule, but never mind.

P.O. CARACAPPA:

You can't waive a seven•day rule in committee. I'd rather just do it cleanly, so we don't have what we had a couple of weeks ago and things were discredited?

LEG. ALDEN:

A special meeting?

P.O. CARACAPPA:

•• and sent back and ••

LEG. CRECCA:

You're the Chair, go ahead.

P.O. CARACAPPA:

You can make a motion? I don't care if you want to ••

LEG. BISHOP:

Go, Chair. Go, Chair, go.

P.O. CARACAPPA:

So, we're tabling those three. All in favor? Opposed? Abstentions?
Tabled.

MR. BARTON:

18.

SENSE RESOLUTIONS

P.O. CARACAPPA:

Sense Resolutions. ***Sense 60 (Sense of the Legislature resolution in opposition to the enactment of an additional real estate transfer tax).***

LEG. BINDER:

Motion to table.

P.O. CARACAPPA:

Motion to table by Legislator Binder, second by myself. All in favor?
Opposed? Tabled.

MR. BARTON:

18.

P.O. CARACAPPA:

Home Rule 3. This is a Home Rule Message requesting State Legislature to amend the Suffolk County Tax Act (Senate Bill S.6107).

LEG. FOLEY:

Explanation.

P.O. CARACAPPA:

As it pertains to what?

D.P.O. CARPENTER:

Counsel, would you, please?

MS. KNAPP:

This actually is a Senate bill that would amend the provisions of the Suffolk County Tax Act that impose penalties retroactively. If you failed to pay your

second half in a timely manner, the penalty actually is imposed retroactively, and this is a bill that would eliminate the retroactive 5% penalty.

P.O. CARACAPPA:

Okay.

MS. KNAPP:

It is a one•house bill.

LEG. MYSTAL:

That would of hurt folks.

LEG. BISHOP:

I think we've sent this message up ••

P.O. CARACAPPA:

Yes.

LEG. BISHOP:

•• in various forms ••

P.O. CARACAPPA:

All in favor? Opposed? Abstentions?

LEG. MYSTAL:

I'm opposed.

MR. BARTON:

18.

P.O. CARACAPPA:

Thank you. CN's. ***1239 (A Local Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County save open space (SOS), Farmland Preservation, and Hamlet Parks Fund).***

LEG. VILORIA•FISHER:

Motion to approve.

P.O. CARACAPPA:

Motion by Legislator Vilorio•Fisher, second by Legislator Caracciolo.

LEG. ALDEN:

Read what the title is.

LEG. VILORIO•FISHER:

1239.

P.O. CARACAPPA:

This is a local Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS) Farmland Preservation and on Hamlet Parks Fund. This is to ••

LEG. BISHOP:

Motion.

LEG. CRECCA:

On the motion.

P.O. CARACAPPA:

There's a motion and a second. On the motion, Legislator Crecca.

LEG. CRECCA:

Yeah. In the CN, in the cover sheet to the CN, it indicates that August 16th is the deadline. There wouldn't be enough time, I guess, to put it on the ballot. Just so everyone's clear, we have •• the Board of Elections, by State law, if they're notified by September 27th of a referendum has to put it on the ballot in November. And I did check that this morning with our local ••

LEG. BISHOP:

That's the hearing.

LEG. CRECCA:

•• Board of Elections. And I do understand that once this Legislature

approves it, there needs to be a public hearing, needs to be signed and all that, but I strongly believe that if we do this at our August 22nd meeting, there is more than enough time. Well, there is. I mean, you know, the bottom line is it's •• this was in committee, it didn't even get aired in committee. It has a major fiscal impact, and I know that the impact statement is there.

I don't sit here pretending that I'm against this bill, you know, I'm not saying I am, but I just don't understand why this had to happen in a couple of days instead of letting it go through the committee process. And I would object to moving it forward today, and just ask that we do it on August 22nd, which is two weeks away. It's still plenty of time and still is perfectly capable of being on the referendum. Twenty•fourth. I'm sorry, I said April •• I said August 22nd, I meant the 24th.

P.O. CARACAPPA:

On the motion, Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Mr. Chair, the reason this is appearing before us as a CN is twofold. Number one, both Legislator Caracciolo and I have had these resolutions in committee for a number of months, and so they have certainly been •• have gone through the committee process. This CN is a collaboration between Legislator Caracciolo and myself where we have combined our two bills, so as not to confuse the voters and have two separate bills at the referendum. We combined it to form one collaborative resolution.

P.O. CARACAPPA:

The CN.

LEG. VILORIA•FISHER:

Yes. And sometimes you have to scare them straight. So, we believe and we have been advised that this is time sensitive. They have both been in the committee, have •• the EPA Committee has had it before them for months as separate bills. We have combined the bills at this point to actually come up with a lower total. The sum total of the two bills is now lower than it was had they been done separately.

So, we have one referendum. Why should we postpone it and feel rushed to get it done after the 24th? There's no reason why we can't address it today.

P.O. CARACAPPA:

Anyone else? Legislator Crecca.

LEG. CRECCA:

Yeah. Were there changes made since •• if I could just ask one of the •• I'll ask Legislator Fisher. Were there any changes made since last Thursday?

LEG. VILORIA•FISHER:

Last Thursday was •• there might be some minor changes in language, bill. What changes are you referring to? Last Thursday, when we combined our two bills?

LEG. CRECCA:

Well, it was •• last Thursday was the first time that we saw any type of revised version that had just been filed.

LEG. VILORIA•FISHER:

Yes, last •• no, I don't believe that there were changes made, other than •• yeah, there were minor ••

LEG. CARACCILO:

Language.

LEG. VILORIA•FISHER:

•• language changes just to make the bill clear. But you had seen the corrected copy of my bill. I don't believe that there are any substantive changes that have been made since that point. And other than having the Budget Review fiscal impact added to it, and since it was too late to correct the bill that had been corrected •• by the way, actually, in a timely manner, I had filed a corrected copy. There were changes subsequent to that which were the Budget Review fiscal impact and the Budget Office's fiscal impact. Legislator Caracciolo worked on it with me, and our final total was actually

less than in my corrected copy. So, other than that, there were no substantive changes made.

LEG. CRECCA:

And either Counsel doesn't or •• it doesn't matter to me who answers the question, but what is now the current •• is the breakdown broken down in how much money goes to each program?

LEG. CARACCILOLO:

Yes.

LEG. CRECCA:

Is it ••

LEG. CARACCILOLO:

Thirty•five million for farmland preservation.

LEG. CRECCA:

Okay.

LEG. CARACCILOLO:

PDR, PDR's. Thirty million for open space preservation, and 10 million dollars for hamlet parks.

LEG. CRECCA:

And is it •• is it flexible enough that the money can be switched from one program to the other?

LEG. CARACCILOLO:

Can the money be switched? No, no. The money is dedicated to each of those three programs.

LEG. CRECCA:

So, 30 for open ••

LEG. CARACCILOLO:

Thirty•five ••

LEG. CRECCA:

Ten for pocket parks.

LEG. CARACCILO:

Thirty•five farmland, 30 open, and 10. And if you would suffer an interruption.

LEG. CRECCA:

Oh, absolutely. I'm just trying to get the information on the bill.

LEG. CARACCILO:

Back on May 11th, about the same time that we were considering two initiatives that you sponsored and I supported, 1517 and 1338, establishing the master list and accelerating the County's Land Acquisition Program by reforming the reforms, there was a press conference that you held in the lobby of the Riverhead County Center on May 11th, and at that time there was universal praise for those two resolutions. And, really, this is the third piece, putting our money where our mouths are in terms of moving forward and accelerating County land acquisitions. I think to delay this another two weeks is just delaying the inevitable. I believe there's support around this horseshoe today, we'll have 12 votes, and if not, then we'll have to consider it on the 24th, but I would suggest no further delay and urge to move the resolution.

Just if I could add a footnote, Madam Chair.

D.P.O. CARPENTER:

Sure.

LEG. CARACCILO:

How apropos, and I'm sorry she had to leave, that Legislator Nora Bredes, who was here in 1998, along with Legislator Bishop and myself as sponsors of the then 1998 62 million dollar Greenways Programs, be here today when we have before us once again another piece of landmark environmental protection legislation that would provide 75 million. And no one should have doubt this is cost effective, it's going to cost the average taxpayer •• we

have financial impact statements, which is ••

LEG. VILORIA•FISHER:

It's about \$11 per year per household.

LEG. CARACCILO:

A dollar a month to the average homeowner. And I just want to quote Mitch Pally back at that May 11th press conference when he said, and I quote, "The economy and the environment are two separate" •• "not two separate issues, but one." And he went on to say that the economic impacts of land preservation on tourism, farming and the East End's second home industry are interrelated and ••

D.P.O. CARPENTER:

Okay. Thank you.

LEG. CARACCILO:

And I just would make one final, final point, and that is to quote Mr. Amper, who at that time was talking about the two resolutions before us, and he talked about how 1517 streamlined the County's land acquisition process, the master list would establish once and for all our priorities, and how important he felt, and he restated again this morning when he was here, to move ahead with this resolution. Thank you.

LEG. CRECCA:

Michael.

D.P.O. CARPENTER:

Thank you.

LEG. VILORIA•FISHER:

Madam Chair, I just wanted ••

D.P.O. CARPENTER:

Excuse me. Just for the record ••

LEG. CRECCA:

I still have the floor.

D.P.O. CARPENTER:

•• Legislator Crecca still has the floor.

LEG. VILORIA•FISHER:

Yes. I wanted to answer •• correct an answer that I had given you, which was not complete ••

LEG. CRECCA:

Sure.

LEG. VILORIA•FISHER:

For full disclosure, you had said what changes were there, and I had indicated hamlet parks in my original resolution.

LEG. CRECCA:

Were added in?

LEG. VILORIA•FISHER:

And what we did •• no. That's still in there, but the definition is expanded a bit more to include athletic fields and other recreational endeavors, which is what we need in the west end.

LEG. CRECCA:

And a yes or no answer would be fine for the next question. Just can we sell TDR rights under this?

LEG. CARACCILO:

No.

LEG. VILORIA•FISHER:

No.

LEG. CARACCILO:

No.

LEG. VILORIA•FISHER:

No, we're going to be doing that in the future.

LEG. CRECCA:

Because that's another income stream.

LEG. VILORIA•FISHER:

Yes.

LEG. CRECCA:

Does this prevent us, or, Counsel, would we be prevented from selling those development rights ••

MS. KNAPP:

It's not part of this.

LEG. CRECCA:

•• if we approve this?

MS. KNAPP:

It is not part of this legislation and it will be ••

LEG. CRECCA:

So, we wouldn't be able to do without amending another referendum?

LEG. CARACCILO:

I believe that's correct.

MS. KNAPP:

Yes.

LEG. CRECCA:

Okay. Again, Mike, I'm happy to support this bill, you know, 1517 was important to me, as well as, you know, Legislator Fisher, but, again, I think that there's more than enough time, given the two weeks, and I would just •
• I'm going to make a motion to table just for the two•week period. I believe that I can support this bill, but the fiscal impact is significant. You

know, taxpayers in Smithtown will be paying a considerable amount more. And I like the fact that it's a referendum, but I really think I'd like to look at it, see if there's some ways to tweak this over the next two weeks. So, again I'm going to make a motion to table, but, again, with the intention that I think we can pass this on August 22nd.

D.P.O. CARPENTER:

Okay. Next is Legislator Alden.

LEG. ALDEN:

Hi.

D.P.O. CARPENTER:

Followed by Foley and Lindsay.

LEG. ALDEN:

And I'll ask Counsel, under this proposition, 30 million dollars to be expended for open space. The 10 million dollars for hamlet greens, is that, in effect, some kind of a parcel that would be an active use parcel? What would fall under hamlet green?

MS. KNAPP:

Well, it seems to have a fairly wide range in that it talks about enhancing the pedestrian•friendly nature of communities, which seems to me to be small, what we used to call, and what we call in here, pocket parks in ••

LEG. ALDEN:

How about •• specifically, what I'm looking for is, if somebody's got a use like, for instance, an intended use, maybe ballfields or recreation, that's covered under which portion of this?

MS. KNAPP:

It does talk about community recreational needs and active parklands.

LEG. ALDEN:

Okay. So, that would be covered under this. I guess, Jim Spero, this is for 75 million dollars total, right?

MR. SPERO:

(Nodded yes).

LEG. ALDEN:

The original Greenways, is there any money left in that program that's unexpended?

LEG. CARACCILO:

Jim. Legislator Alden, if you wouldn't mind an interruption.

MR. SPERO:

We have a memo we prepared that has the current balances in the various accounts, and I don't have it in front of me.

LEG. CARACCILO:

Legislator Alden.

MR. SPERO:

I could go back and get it.

D.P.O. CARPENTER:

Through the Chair.

LEG. ALDEN:

Yeah.

D.P.O. CARPENTER:

Legislator Alden, did you want to yield.

LEG. ALDEN:

If Mike wants to answer that question.

LEG. CARACCILO:

Yes.

LEG. ALDEN:

Go ahead.

LEG. CARACCILOLO:

As we've been informed, both in Legislative committee, and I don't know if Mr. Isles is still here ••

LEG. ALDEN:

I can't hear you, though, Mike.

LEG. CARACCILOLO:

Can you hear me now? Can you hear me now?

LEG. ALDEN:

No. There's a lot of noise over here.

LEG. CARACCILOLO:

I'm sorry. Okay. As I •• as we've been informed in the committee, there is currently about 22 million dollars available in all funds, all funds, not just Greenways. We have 12 environmental protection funding sources, including the extension of the Quarter Percent Program, and there is currently about 22 million dollars available. I believe there will be another, by year's end, generated through the sales tax extension for this year, there'll be another I think 10 or 22 million. However, what's in contract right now and what's in negotiate •• in negotiations, rather, brings that down to about 22 million dollars again. So, particularly as it relates to farmland, we currently have a negative fund balance, given what's in the pipeline in the negotiation, a negative fund balance for farmland purchases.

LEG. ALDEN:

Okay. Jim, getting back to some numbers, and Legislator Caracciolo just mentioned it, and I was going to go into that a little bit, the quarter cent extension generates approximately how much money each year?

MR. SPERO:

It's over 50 million dollars a year, but not, you know ••

LEG. ALDEN:

I need a little help from the Chair here, because I can't •• unfortunately, I can't hear that well normally.

D.P.O. CARPENTER:

If I could, please, just ask for everyone's attention, please. Legislator Alden has the floor. The north area of the horseshoe, if you could please keep the chatter down.

LEG. CRECCA:

I just walked in.

D.P.O. CARPENTER:

No, I'm not directing it at you specifically.

LEG. CRECCA:

Sorry, mom.

LEG. VILORIA•FISHER:

A little paranoia there.

LEG. ALDEN:

So, the quarter cent generates how much?

MR. SPERO:

About 50 million. One•third is for land acquisitions, one third for property tax stabilization, and one•third for sewer district tax stabilization.

LEG. ALDEN:

Okay.

MR. SPERO:

Approximately.

LEG. ALDEN:

As everybody found out in Ways and Means, or, no, it was in Parks, I can't add, so how much •• how much is the one•third for property acquisition?

MR. SPERO:

Just to answer your question you asked me originally, we found out from Real Estate that currently we have available in all the existing land programs a total of about 43.3 million dollars. 10.6 million is negotiation right now, and about 32.6 million is available. That includes the old Water Quality Program, the old Farmlands Acquisition Project from the Capital Program, the Parkland Project, the Land Preservation Partnership, the Greenways Programs, Affordable Housing, Pay•As•You•Go Open Space, and Pay•As•You•Go Farmland, and the Multifaceted Land Acquisition Program.

LEG. ALDEN:

So, 46 million is what we have available to spend; is that what you said?

MR. SPERO:

43.3.

LEG. ALDEN:

Okay. But does that take into consideration •• didn't we pass legislation that allowed us to borrow against a stream of income up to "X" number of dollars?

MR. SPERO:

(Nodded yes).

LEG. ALDEN:

And how much would that be?

MR. SPERO:

I don't recall specific legislation that allowed ••

LEG. ALDEN:

I think it was 75 million dollars. We were allowed to take advantage of a program that New York State had.

LEG. CARACCILO:

The EFC Program?

MR. SPERO:

That was the EFC Program.

LEG. CARACCILOLO:

EFC, Cameron?

LEG. ALDEN:

Dave's got it.

LEG. CARACCILOLO:

EFC?

LEG. ALDEN:

What?

LEG. CARACCILOLO:

EFC, Environmental Facilities Corporation?

LEG. ALDEN:

I think that's what it is, because we were taking the extreme ••

LEG. CARACCILOLO:

Yeah. Voters approved that in 2001. Right now, a memo that we requested in committee last week is being copied and will be distributed from Planning and Real Estate as of yesterday, and you will see where we are on each of those 12 programs, the fund balances.

Let me reiterate what I said with respect to farmland. We currently have a negative balance for farmland acquisitions.

LEG. ALDEN:

Okay. And we •• Jim, do we have the ability to borrow for farmland acquisition?

LEG. CARACCILOLO:

That includes that.

MR. SPERO:

Is that part of the thing that was covered?

MR. SPERO:

Yes, but the EFC funding is •• it's very minimal, so what's happened is we've ended up bonding it completely ourselves, a number of land acquisitions.

LEG. ALDEN:

Unfortunately, I couldn't hear your answer at all. I apologize.

MR. SPERO:

The EFC funding that the County was anticipating never materialized, so that we are bonding it just as we would any other •• any other bond issue.

LEG. ALDEN:

Okay. But we, or the people authorized bonding against the income stream that we have up to how much, 75 million?

MR. SPERO:

For the Quarter Cent Program?

LEG. ALDEN:

Right.

MR. SPERO:

The ability to bond under that program is at the Legislature's discretion. It's technically a pay•as•you•go program, but I don't think there's a prohibition against bonding against that revenue stream.

LEG. ALDEN:

I thought we had a policy that we established that we were going to ••

MR. SPERO:

Yeah, but I'm not sure if it's a legal •• contained in the law, that you cannot borrow. It was intended to be a pay•as•you•go program, but you have to ask Counsel that question, really.

LEG. ALDEN:

All right.

LEG. BISHOP:

Cameron, I think, I can clarify something.

LEG. ALDEN:

I've got Dave Bishop coming in here with a clarification.

LEG. BISHOP:

The EFC, you're right, we approved EFC and we were anticipating money from that. Apparently, when the County Real Estate Division had its troubles last year and the year before with whatever time period that was, the State decided to hold back and never approved our application, so that money, as he said, never materialized. The Quarter Cent Program we renewed, but that's a pay•as•you•go program, and so we recognize a quarter penny for the environment every year, what is that, 40 million dollars, and that's accounted for.

What we want to do in future years, what we or some of us around here have talked about, is to extend the program and borrow against that future revenue, so if the program ends in 2013, extend it from 2013 to 2025 and recognize money now and pay it back in those out years. That requires specific State legislation, and that's what the administration is going to work on next year.

LEG. ALDEN:

Okay. One of my concerns is that we, and I am glad Legislator Caracciolo pointed out that there's a negative dollar amount in one of the balances, but one of my concerns is that we have an overhang of money that we haven't been able to spend for one reason or another and this is going to add to that overhang of money. And there's just •• we've heard testimony in the past, I'm not on this committee, but we've heard testimony in general sessions in the past that there's "X" amount of properties that can be processed as far as the purchase of these each year. And we exceed the ability to buy in that we have more money to spend, and it doesn't seem like we have either the

manpower or the process just takes a long time to actually go out and expend that money. So, I'm trying to get at what the overhang is going to be and what this is going to create as far as is this five, ten, two years, one year's worth of funding?

LEG. BISHOP:

Two years.

MR. SPERO:

The CN, the resolution for the 75 million requires that all the funds be expended by the end of 2007.

LEG. ALDEN:

All of these funds.

MR. SPERO:

That's right, be actually expended.

LEG. ALDEN:

But now the other programs don't have that type of requirement on them, do they?

MR. SPERO:

Greenways has, I believe •• December 31st, 2006, the Greenways funding has to be expended.

LEG. ALDEN:

2006. All these •• all these come together, then, for the next two years.

MR. SPERO:

That's right, there's a •• that's right. The county will have to be very aggressive to expend all the funding that may be available.

LEG. ALDEN:

Right. So, traditionally, we haven't been able to stay up with this level of actual acquisitions or spending, right?

MR. SPERO:

Not with the amount of land we've acquired over the last several years, no.

LEG. ALDEN:

Now, this doesn't speak to any of the process, as far as how we buy property, whether, you know, we have to come back to the Legislature, whether we can exceed appraised values and things like that, so everything in here contemplates using the processes that are in place right now; is that correct?

MR. SPERO:

Yes, that's correct.

LEG. ALDEN:

All right. Thanks.

LEG. CARACCILO:

Legislator Alden.

D.P.O. CARPENTER:

Okay. Thank you. Next, Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. And I hope that we can approve this resolution today. There is, I would say, strong bipartisan support and there's support geographically across the County, and to wait two weeks is to wait too long. Both Legislator Caracciolo as well as Legislator Vilorio•Fisher have had these resolutions on the table for a number of months. It's ready to go.

At our press conference yesterday, we had a host of interests, farming open space, environmental activists who at times have been on opposing sides of different issues relating to the environment and farmland preservation. We have had both Republican and Democrats present at the press conference, along with the County Executive. And what everyone had said almost, let's say, in unanimity was the fact that we need these monies now, because we have in place an administration that is accelerating the acquisition of farmland and is accelerating the acquisition of open space, and for years we

in the Legislature have always with enthusiasm appropriated the monies for these programs. What was lacking was an administration •• what I call administration follow•through on we had appropriated.

So, if anyone around the horseshoe is concerned that we're allocating too many dollars that won't be spent in •• effectively or efficiently, well, the fact of the matter is, and we heard it yesterday and we heard it from Legislator Caracciolo, as well as Vilorio•Fisher, myself and the County Executive, that everything is in place in the Real Estate Division, as well as in the Planning Department, where they can move forward with alacrity, with all due speed and due deliberation, and utilize those dollars in order to acquire the properties. And if we don't acquire them within the next year to two years, next year, I would say, Madam Chair, that we're in serious threat of losing them forever.

So, let's move forward with these. And as Joe Gergela had mentioned, you know, preserving farmland particularly is less expensive than developing farmland. So, let's move forward today and in so doing preserve these lands for future generations. Thank you.

D.P.O. CARPENTER:

Thanks, Legislator Foley. Next, Legislator Lindsay.

LEG. LINDSAY:

Yeah. I really have a question to Legislator Caracciolo. Originally there was •• Mike, if you would. Originally, there was two bills, there's 1239, and 1330 was your bill.

LEG. CARACCILOLO:

Correct.

LEG. VILORIA•FISHER:

Correct.

LEG. LINDSAY:

And we passed 1330 out of committee without recommendation. Is that going to die now?

LEG. CARACCIOLO:

Well, that was tabled earlier today.

LEG. LINDSAY:

Okay.

LEG. CARACCIOLO:

So, if we don't act on this ••

LEG. LINDSAY:

If this passes ••

LEG. CARACCIOLO:

•• I'm going to call that bill up.

LEG. LINDSAY:

Okay. But, if this passes, that bill's going to die.

LEG. CARACCIOLO:

That's correct.

LEG. LINDSAY:

Okay. I wanted to get that on the record. The other thing, and it's really to Budget Review, Jim, if you could. Jim. If this should pass and the taxpayers, the voters should pass it in November, this will dramatically raise our bonding levels. Will that have any affect on our bond ratings?

MR. SPERO:

If you remember, when we did our Capital Program, and I had that colorful chart about where debt service was going, and at the top of the chart was the green layer, and that was for the land •• additional land acquisition component. The County has a lot of bonding capacity. We're not anywhere near our bonded debt limit. The only •• really, the issue for the Legislature is that as you bond more and the debt service starts to impact the general fund, there could be an impact on property taxes, and you just have to be aware of that. So, probably would not impact our bond rating, because

they're full faith and credit bonds, and the monies would have to be raised through taxes or other means to pay those bonds.

LEG. LINDSAY:

Thank you.

D.P.O. CARPENTER:

Next, Legislator Binder, followed by Legislator Crecca, and then Schneiderman.

LEG. BINDER:

Thanks. So, I have two •• there are two documents that I have in front of me. One was from Tom Isles, I guess, to Legislator Caracciolo with a set of number that we all just got passed out. I have another document from Budget Review that I asked them to make up and I haven't •• I can circulate this, I can ask someone to do this, and the numbers are somewhat different. The early numbers we heard of total available funds is 43 million dollars, and there are 43 million dollars available right now. But one of the questions is, when the taxpayers and the voters vote, which the voters vote •• when the voters vote on this, are they going to know that we have 45 million dollars available for open space in different programs and then know that the total that they're voting for is 75 million, plus 45 million? That's 130 million. Will they realize that? I don't know. And I have a concern about them •• about them knowing that.

It was said that we don't have any money in Farmland. Under Greenways Farmland, we have 1,300,000 in the Tom Isles document. According to our Budget Review Office, we have 5,310,000. So, let's say 5,400,000, really, or something near that. Now, that's a lot of money, and I don't know how long that's going to take us, but that could take us for a little while. That could take us a little while to spend. So, we're running out to doing 75 million on top of 45 million available, so we're •• according to our Budget Review Office. I have it •• you might not •• you don't have the documents, it was done for me. Legislator Caracciolo.

LEG. CARACCILOLO:

Legislator Binder, would you suffer a quick interruption?

LEG. BINDER:

Sure. And I was comparing two documents, so you know, because you just walked in. I have the Tom Isles document, I have a Budget Review Office document. I tend to •• I tend to go with our Budget Review Office documents.

LEG. CARACCILO:

In all fairness to BRO, and they would acknowledge this, I believe, because we •• I had this conversation with Jim, they are not up to date day by day, acquisition by acquisition as the Real Estate Division.

LEG. BINDER:

Well, here's the difference that they would have to be behind. Greenways Farmland, according to Tom Isles, is 1.3 million, according to our Budget Review Office, is 5.3 million. I mean, you know, Jim, maybe you can tell me why you've got a •• there's a 4 million dollar difference. Day•to•day, this is not day•to•day, that's a lot more than day•to•day.

MR. SPERO:

It could be, but I'm not certain, that this is the answer, but it could be that they have parcels in negotiation and they're taking them off the top, where in our presentation, if they have not entered into a contract for a parcel, we consider the funding as being available.

LEG. BINDER:

Except that you have in a •• you have on my sheet a negotiating •• a negotiation column, so you have the amounts in negotiation, you figured for that, you have 10 million in negotiation, 32 million available, and the total funds of 43 million. So, considering negotiation, and they don't •• you don't have any, in other words, the document that you passed on to me ••

MR. SPERO:

We get these numbers from the Real Estate Division, so we're going to try to reconcile any differences that may exist.

LEG. BINDER:

But if Budget Review •• here's the problem. Now, we're going to go into a 75 million dollar question. It's a big question.

LEG. CARACCILOLO:

Better than 64.

LEG. BINDER:

And considering that if we have 43 million available, and that's what Budget Review Office?

LEG. CARACCILOLO:

But we don't, Allan, just so you know.

LEG. BINDER:

What was that?

LEG. CARACCILOLO:

I don't believe that's accurate.

LEG. BINDER:

But that's Budget Review Office number.

LEG. CARACCILOLO:

I understand.

LEG. BINDER:

Look, we can believe or not believe, but we should know. Before we make a vote like this ••

LEG. CARACCILOLO:

I agree.

LEG. BINDER:

•• we should know what's available, rather than I believe or don't believe. And the reason for that is, in November, if we're telling voters to go out and discuss this, they've got to know is this a 75 million dollar vote or a 130

million dollar vote, because it was 43 available already and you're adding 75 to that. It's just that you can't provide proper information to the voters unless we had the proper information first when we voted on it. It is not appropriate for us to vote •• it seems to me not appropriate to vote on something that we don't know the numbers on. And so, if I can get this passed around, if you'd like, I'll have somebody bring copies of this.

LEG. VILORIA•FISHER:

I'm going to make a motion to table, Madam Chair.

D.P.O. CARPENTER:

Okay.

LEG. BINDER:

And I'm going to ••

D.P.O. CARPENTER:

Excuse me.

LEG. BINDER:

I'm going to second that.

D.P.O. CARPENTER:

Could we ••

LEG. VILORIA•FISHER:

Okay, because we'll look at those.

D.P.O. CARPENTER:

•• just interrupt?

LEG. VILORIA•FISHER:

Michael, I'm making a motion to table.

D.P.O. CARPENTER:

One of the sponsors of the resolution has made a motion to table.

LEG. FOLEY:

The sponsor has?

D.P.O. CARPENTER:

Yes.

LEG. BISHOP:

Second.

D.P.O. CARPENTER:

So, we have second by Legislator Montano. All those in favor of the tabling? Opposed? Resolution is tabled.

LEG. BISHOP:

Excellent. What's next?

D.P.O. CARPENTER:

Next, we have another CN.

P.O. CARACAPPA:

Put me down for that tabling.

D.P.O. CARPENTER:

The second CN is on the sale pursuant to Local Law 16.

LEG. FOLEY:

The DeHoyas?

D.P.O. CARPENTER:

Yes, the DeHoyas property. And this is in order to enable ••

LEG. BISHOP:

Motion.

D.P.O. CARPENTER:

•• this lady to save her home. Motion by Legislator Bishop, second by myself. All those in favor? Opposed? CN is approved.

LEG. BISHOP:

Is that it?

P.O. CARACAPPA:

No, it's not it.

LEG. SCHNEIDERMAN:

Motion to go into executive session.

P.O. CARACAPPA:

Wait just a second. Motion to waive the rules by myself, second by Legislator Carpenter, to waive the rules and lay on the table the following late•starters: 1734, to go to Economic Development, 1745 to Ways and Means, 1748 to Ways and Means, 1749 to Ways and Means, 1801 to Ways and Means, 1802 to Ways and Means, 1803 to Health and Human Services.

LEG. TONNA:

I have to abstain on 1803.

P.O. CARACAPPA:

1804 to Public Works.

LEG. TONNA:

1803 I have to abstain on.

LEG. TONNA:

1805 to Ways and Means and •• oh, Parks, not Public Works. 1804 is Parks. 1805 to Ways and Means, and set the public hearing for 9:30 at Ways and Means on the 17th of August. 1806 to Ways and Means, 1807 to Parks, 1809 to Ways and Means.

LEG. FOLEY:

What's 1809? I have 1808.

P.O. CARACAPPA:

1809 is approving the reappointment of Lee Eysman as a member of the Suffolk County Electrical Licensing Board. And Sense 68 to Public Safety, and Sense 69 to Budget and Finance. There's a motion and second. All in favor? Opposed? Abstentions?

LEG. TONNA:

Just abstain on ••

MR. BARTON:

1803?

LEG. TONNA:

1803, right.

MR. BARTON:

Okay. I have that as 17 with one abstention on 1803, 18 on laying the others on the table. Mr. Chairman.

P.O. CARACAPPA:

Yeah.

D.P.O. CARPENTER:

Mr. Chairman.

MR. BARTON:

Could we just jump back for a minute.

P.O. CARACAPPA:

Yeah. Hold on.

MR. BARTON:

I didn't call the vote on the CN to table, and some Legislators have indicated that they want to know how their vote was recorded.

D.P.O. CARPENTER:

Okay.

P.O. CARACAPPA:

I don't believe we can ••

MR. BARTON:

I need some help on this.

P.O. CARACAPPA:

I don't think we can table a CN under our rules.

MR. BARTON:

I don't •• I don't have anything recorded and I haven't announced anything, so I need some help on that.

P.O. CARACAPPA:

Ten •• we all know that ten, it goes back to committee, 11 •• 10 or 11 it goes to committee. Under 10, it fails completely. We cannot table a CN.

LEG. CARACCILO:

Okay. So, then we have to have a vote is what you're saying.

P.O. CARACAPPA:

Yes.

LEG. VILORIA•FISHER:

So, then we'll vote.

LEG. FOLEY:

But many of us don't want to vote no, so why can't ••

LEG. VILORIA•FISHER:

Yes.

D.P.O. CARPENTER:

So, can we make a motion to send to committee?

LEG. FOLEY:

Why can't we just have it as a late•starter.

P.O. CARACAPPA:

That we can.

MR. ZWIRN:

Why not vote?

LEG. FOLEY:

Can we make a ••

LEG. VILORIA•FISHER:

Why not vote yes?

P.O. CARACAPPA:

We could do •• we can do one of two things.

LEG. FOLEY:

Motion to ••

P.O. CARACAPPA:

Recommit it to the appropriate committee, or have a vote and roll the dice as to where the number falls on the ••

LEG. CARACCILOLO:

I'm going to make a motion, Mr. Chairman, to approve.

P.O. CARACAPPA:

There's a motion to approve. The motion to recommit, does that stand?

LEG. CARACCILOLO:

No.

LEG. VILORIA•FISHER:

I'll second the ••

LEG. CARACCILOLO:

Motion to approve.

P.O. CARACAPPA:

Hold on. There's a ••

LEG. TONNA:

Motion to approve.

P.O. CARACAPPA:

There's a motion to recommit.

LEG. TONNA:

I know, everybody has spoken. I just have one ••

P.O. CARACAPPA:

Yeah.

LEG. TONNA:

One thing that I want to say, or just be recognized for one thing.

P.O. CARACAPPA:

Hold on. Just one second, Legislator Tonna. Was there a motion to recommit.

LEG. CRECCA:

I'll make a motion. I'm going to make a motion to commit, because I don't think •• A, it's not going to have the votes, and B, there are things that I wanted to add and say, but ••

P.O. CARACAPPA:

Okay. The bill is in committee, just so •• the bill is in committee. The reason why we got a CN was because we got the changes late.

LEG. CARACCILO:

That's correct. That's exact •• technically, you're absolutely correct. The bill is in committee, and I made a motion to approve, so let's vote it up or down.

P.O. CARACAPPA:

We could do that. Just a question to Counsel. If we were to vote on this bill and it fails, then the bill in the committee fails as well?

MS. KNAPP:

Well, it has a CN now, so it does need 12 votes. With 10 votes it would go back to committee. With less than 10 votes ••

LEG. CARACCILOLO:

It's in committee.

MS. KNAPP:

It is in committee.

LEG. CARACCILOLO:

Yeah.

P.O. CARACAPPA:

But my point is, if ••

D.P.O. CARPENTER:

Which version is in committee?

LEG. TONNA:

If it fails, it fails.

P.O. CARACAPPA:

Yeah, it's the same bill. Now that the ••

LEG. VILORIA•FISHER:

No, it's not exactly the same.

P.O. CARACAPPA:

It's going to be.

LEG. VILORIA•FISHER:

It's not exactly the same. This is amended. The bill that's in committee, of

which I am the sponsor, is not exactly the same as this bill.

LEG. CRECCA:

That bill doesn't exist anymore.

P.O. CARACAPPA:

Hold on, please.

LEG. TONNA:

It doesn't have the Caracciolo influence, the collaboration.

P.O. CARACAPPA:

Ladies and Gentlemen.

LEG. CRECCA:

When this one got put in its place with the same IR number, the other one doesn't exist anymore. 1239 is currently the bill that's in Ways and Means. It will be eligible for a vote. It was not eligible this time.

LEG. ALDEN:

It's not in Ways and Means.

LEG. CRECCA:

Oh, I'm sorry.

P.O. CARACAPPA:

It's in Rules.

LEG. CRECCA:

In EPA, I apologize.

P.O. CARACAPPA:

And Rules.

LEG. CRECCA:

So, we don't need a motion.

P.O. CARACAPPA:

So, there's a motion to approve the CN.

LEG. BINDER:

What happened to the tabling?

P.O. CARACAPPA:

Tabling?

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

We can't table a CN.

LEG. TONNA:

Can't table a CN.

LEG. CARACCILO:

Mr. Chairman.

P.O. CARACAPPA:

No, we've sent it to committee.

LEG. SCHNEIDERMAN:

It can be withdrawn.

LEG. TONNA:

Let's not debate what we can do, let's just do it.

P.O. CARACAPPA:

There's a motion to ••

LEG. CRECCA:

Let it go to committee.

LEG. TONNA:

Yeah, whatever.

P.O. CARACAPPA:

There's two motions, motion to commit.

LEG. TONNA:

I'm not •• I'm going to vote ••

P.O. CARACAPPA:

The motion to commit takes precedence.

LEG. CRECCA:

Then I want to be heard on the motion to approve.

LEG. TONNA:

Okay. I think I asked ••

P.O. CARACAPPA:

On the motion, Legislator Tonna.

LEG. TONNA:

Yeah, just one thing and ••

P.O. CARACAPPA:

To commit.

LEG. TONNA:

•• it's with regard to this bill. I just want to talk about, for only two seconds, about the County Executive's priorities. Obviously, roadwork wasn't. Obviously, you know, infrastructure in Riverhead wasn't. Obviously, when he vetoed what, how many bills that we had in Capital Budget projects. But it seems like farmland preservation, we all of a sudden have the money again. And so I'm in favor of this, but I just •• I want to ask the County Executive, you know, what are the priorities? I think in him pushing this CN through, we see farmland preservation is much more important than infrastructure. I think we should be able to do both. Thank you.

LEG. VILORIA•FISHER:

Procedural question, Mr. Chair.

P.O. CARACAPPA:

Legislator Viloria•Fisher.

LEG. VILORIA•FISHER:

If it were to get ten votes, it would go back to committee anyway.

P.O. CARACAPPA:

Yes.

LEG. VILORIA•FISHER:

So, we have a motion to approve. If it gets ten votes, it will go back to committee.

P.O. CARACAPPA:

Right. But there's also a motion to commit.

LEG. CRECCA:

If it gets nine, it fails, though, it's dead.

P.O. CARACAPPA:

There's a motion ••

LEG. TONNA:

Let's not worry about that. You can always put another bill in. You guys could collaborate again. Have a great time.

LEG. VILORIA•FISHER:

No, you can't, because there's •• it's time sensitive.

P.O. CARACAPPA:

Ladies and Gentlemen, please.

LEG. CRECCA:

On the motion to recommit.

P.O. CARACAPPA:

On motion to recommit, Legislator Crecca.

LEG. CRECCA:

Yeah. Just I'll be very brief. One of the reasons I wanted it to be tabled or recommitted is I believe that we can take the development right credits once we buy these •• whether it's farmland or the other programs, take those credits. And the County should at least have the option to sell those credits, use the money, then, to buy more farmland development rights and more open space. We should have that flexibility. I don't believe under the current version of the bill we have that flexibility. And what I'm saying is, is over the next, you know, two weeks, we can fix that. I think we can fix it in the next couple of days. I'd like the opportunity to do that and also look at the bill. I would recommend that we recommit it to committee, or commit it.

LEG. VILORIA•FISHER:

If I may, Mr. Chair.

P.O. CARACAPPA:

On the motion to commit, Legislator Vilorina•Fisher.

LEG. VILORIA•FISHER:

Counsel has indicated to me, and I don't want to put words in your mouth, Mea Knapp, but didn't you say earlier off the record that we could not do that with the farmland portion of this, the farmland development rights?

MS. KNAPP:

Couldn't sell development rights, is that the question?

LEG. VILORIA•FISHER:

Is that what you said.

LEG. CARACCILOLO:

TDR's.

LEG. VILORIA•FISHER:

The TDR's.

MS. KNAPP:

I don't believe that we can. As a matter of fact, I •• the last couple of minutes I've been on the telephone with Christine Malafi, because Legislator Viloria•Fisher, in that same discussion, said to me that Christine had opined on whether or not you could do some of these. And I think that while it's very difficult to come to a legal conclusion in ten minutes on these complicated issues, she and I eventually agreed that without specific language, we would have concern on these programs. As a matter of fact, she raised some concerns even on the parkland with me.

The one other thing that I probably should say on the record, I had left the room the second time because she just called me back, while Legislator Crecca had said that he believes that the August 24th meeting would be time enough, and I actually had shared that belief, Christine tells me, and, again, she hasn't done the research, but she tells me she just checked with the Executive Office and they feel that with all of their requirements, that the latest they can do it is the 16th.

LEG. CRECCA:

Well, again, I'm just going to tell you Board of Elections says, by law, it can take up until 27th, so, you know •• and that certainly gives you 30 days, so.

P.O. CARACAPPA:

Okay, any other •• on the motion? Any further?

LEG. VILORIA•FISHER:

I had just wanted to hear the opinion of Counsel, and I ••

P.O. CARACAPPA:

I just wanted to make sure you didn't want to give up the floor.

LEG. VILORIA•FISHER:

So, I believe that recommitting it would not serve any purpose if we can't say that we're going to sell the TDR's on the farmland development ••

LEG. CRECCA:

You can if you amend the language in the bill, that's the point.

LEG. FOLEY:

Mr. Chairman.

LEG. VILORIA•FISHER:

Counsel, is that so?

LEG. CRECCA:

You'd have to make it clarified in the bill.

MS. KNAPP:

What we would have to do is not tie it back to the existing program and create new language.

LEG. FOLEY:

It's a dangerous precedent. Mr. Chairman.

P.O. CARACAPPA:

Are you done, Legislator Vilorina•Fisher?

LEG. VILORIA•FISHER:

Yes. Thank you, Mr. Chair.

P.O. CARACAPPA:

Legislator Schneiderman, then Foley.

LEG. SCHNEIDERMAN:

Just very briefly, Vivian and I both sit on the County Executive's Workforce Housing Commission, and the idea of TDRing off of open space purchases has come up as a very strong recommendation in that realizing that we can't go back in time, and a lot of the other programs don't allow it, it is •• the

TDR aspect has been seen as a way to get affordable housing in Suffolk County by selling some of these rights for affordable housing only, maybe stripping some, but also selling some. And it has to be in the program, as I understand it, at the time that it's conceived. In this case, it would be part of this legislation. So, if we could fix that, I think it's important. It would show a commitment to affordable housing or workforce housing in Suffolk County. There's no reason why we can't preserve open space and provide homes for our hard•working family.

LEG. FOLEY:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Foley, then Caracciolo.

LEG. FOLEY:

Thank you. Through the Chair, I see Mr. Zwirn has been waiting patiently to ••

LEG. TONNA:

Is he opining?

LEG. FOLEY:

No, no. I want to hear what ••

LEG. VILORIA•FISHER:

No, just pining.

LEG. FOLEY:

Yeah, he's pining over there. If we could hear from Mr. Zwirn, please, and give him the courtesy of listening to his concerns.

P.O. CARACAPPA:

What more could be said. We've debated this for an hour. Mr. Zwirn had a chance to speak. If he didn't, I don't know why he hasn't until now.

LEG. FOLEY:

Well, maybe ••

P.O. CARACAPPA:

You already had a vote to table. This is on a technicality, either send it to committee, or just •• let's •• I'm not going to have a total hour of debate over what you just debated for •• it's ridiculous. Let's just take a vote based on what we did a few minutes earlier just to make it procedurally sound. It's getting out of line.

LEG. FOLEY:

Well, given the importance of a 75 million dollar appropriation here ••

P.O. CARACAPPA:

Don't say I didn't try.

LEG. FOLEY:

•• I would like hear •• and Mr. Zwirn is not going to take more than five minutes. I'd like to hear what ••

MR. ZWIRN:

I won't take that.

LEG. FOLEY:

More than five, less than •• he'll take less than five. Two minutes.

LEG. TONNA:

You're starting to lose your hair, Legislator Caracappa.

LEG. FOLEY:

Did you hear what ••

LEG. TONNA:

I know what that's like.

LEG. FOLEY:

Since he is representing the County Executive.

P.O. CARACAPPA:

I didn't cut it, it's falling out.

LEG. FOLEY:

Mr. Zwirn, could we ••

P.O. CARACAPPA:

No, I'd rather not.

LEG. TONNA:

You have to go through the Chair.

P.O. CARACAPPA:

I think we've debated it ••

LEG. TONNA:

Can I just ••

P.O. CARACAPPA:

Ad nauseam.

LEG. TONNA:

The Legal Counsel said that there is a problem that there is a County Attorney who's opining about some language. I mean, with that opine, are we still •• are they •• the only question I have is that are you in synch with the County Attorney's Office on this?

MR. ZWIRN:

I have to recognize by •• go through the procedure of this office.

LEG. TONNA:

That's all right. I just wanted to ask the question. I mean, if you're pushing for it and the County Attorney's Office is opining, I just •• you know, I just want to know.

P.O. CARACAPPA:

I'm going to call a dinner recess for two hours.

LEG. CRECCA

Call a roll call.

LEG. SCHNEIDERMAN:

No, no, no. No, wait. We can ••

LEG. TONNA:

This might fail in ••

LEG. SCHNEIDERMAN:

You can't do that. You can't do that.

LEG. CARACCILO:

We could do it.

LEG. SCHNEIDERMAN:

We've got to have this executive session.

LEG. TONNA:

All right. I'm just asking.

LEG. SCHNEIDERMAN:

We have an attorney from Vermont who's been waiting all day to speak to us.

LEG. TONNA:

From Armand?

LEG. SCHNEIDERMAN:

Vermont.

LEG. TONNA:

Oh, okay.

LEG. SCHNEIDERMAN:

And expert on nuclear ••

LEG. TONNA:

Vermont.

LEG. SCHNEIDERMAN:

•• regulatory law.

LEG. TONNA:

A different part of the world.

LEG. SCHNEIDERMAN:

About our Millstone intervention, and he's been extremely patient.

LEG. TONNA:

All right. Let's vote.

MR. ZWIRN:

Mr. Presiding Officer, may I?

LEG. CARACCILO:

Can we move the vote, Mr. Chairman?

P.O. CARACAPPA:

I'm trying to. I'm trying to, Legislator Caracciolo. There's a motion to commit. I will recognize that motion and we'll take a vote.

LEG. TONNA:

To commit to committee?

P.O. CARACAPPA:

To commit to ••

LEG. SCHNEIDERMAN:

To recommit.

LEG. TONNA:

Committee.

MR. ZWIRN:

Can I just say something, because it will bear on ••

P.O. CARACAPPA:

To Danny's committee, Environment.

LEG. CARACCIOLO:

Roll call.

MR. ZWIRN:

It will bear on the vote, only from a time constraint point of view. You send this back to committee ••

P.O. CARACAPPA:

Mr. Zwirn, you're out of order.

LEG. TONNA:

He was being patient. He was trying.

MR. ZWIRN:

For most of my life.

LEG. CARACCIOLO:

All right. Mr. Chairman.

LEG. FOLEY:

His remarks may have a bearing on our vote, Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. TONNA:

All right. Let's vote. Let's vote.

LEG. CARACCIOLO:

With respect to the motion, it's indicated in paragraph two of the CN that

action has to be taken either today or at a Special Meeting to be called between now and the 16th. When does the committee meet again?

P.O. CARACAPPA:

Next week.

LEG. CARACCILOLO:

No. What day? What's the date? The Legislature has to meet, not the committee.

P.O. CARACAPPA:

Wednesday.

LEG. CARACCILOLO:

The Legislature has to meet.

P.O. CARACAPPA:

The committee meets ••

LEG. VILORIA•FISHER:

The 24th is our next meeting.

P.O. CARACAPPA:

The full committee of the Legislature?

LEG. CARACCILOLO:

No, no, no. I meant, if we're talking about recommitting the resolution to committee.

P.O. CARACAPPA:

It goes to Wednesday the 18th.

LEG. CARACCILOLO:

The 18th. The CN says very clearly action has to be taken today, or at a Special Meeting no later than the 16th.

P.O. CARACAPPA:

Well, that's where there's differing opinions.

LEG. CARACCILOLO:

Well, I don't know that there is.

LEG. BINDER:

Paul Sabatino is wrong again, obviously.

LEG. CARACCILOLO:

I mean, so what does our Legislative Counsel say?

MS. KNAPP:

I certainly would have thought that August 24th would be timely. I think that it •• that I must put on the record, though, that I just discussed it with Christine Malafi, who has not had a chance to research it, and simply called the County Executive's Office and called me back and said that there insistent that it's the 16th.

LEG. CARACCILOLO:

And I would note that the CN signed by Mr. Sabatino, who is former Legislative Counsel, and who has made many, many, many legal judgments that we as Legislators have adhered to in the past. So, I don't think anybody's trying to manipulate the clock here. Let's •• we know what we're going to do. Let's vote it up or vote it down. Let the voters decide in November.

P.O. CARACAPPA:

Motion and a second to commit. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CRECCA:

Yes.

LEG. ALDEN:

Yes.

LEG. COOPER:

No.

LEG. TONNA:

No.

LEG. BINDER:

Yes.

LEG. MYSTAL:

No.

LEG. BISHOP:

No.

LEG. NOWICK:

Yes.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

Absolutely no.

LEG. LOSQUADRO:

No.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

Pass.

LEG. SCHNEIDERMAN:

Yes to recommit.

LEG. CARACCILO:

No.

D.P.O. CARPENTER:

Pass.

P.O. CARACAPPA:

Yes.

LEG. MONTANO:

No.

LEG. O'LEARY:

Yes.

D.P.O. CARPENTER:

Yes.

MR. BARTON:

Eight.

LEG. CARACCILO:

Motion to approve.

LEG. VILORIA • FISHER:

Second.

P.O. CARACAPPA:

Motion to approve and a second. Roll call.

LEG. ALDEN:

On the motion.

LEG. MYSTAL:

Oh, no.

LEG. ALDEN:

No, no, sorry.

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Just to make this crystal clear, if we approve this, we can't sell any rights.

LEG. SCHNEIDERMAN:

That's right.

LEG. ALDEN:

We absolutely can't sell rights for affordable housing.

LEG. VILORIA • FISHER:

No, it's not absolute. There is still a question with regard to the 10 million dollars in hamlet parks. There is a window there where there are differing opinions and that has to be explored.

LEG. ALDEN:

A very small portion of this we might be able to get some money to go to affordable housing.

LEG. FOLEY:

We have millions of other dollars ••

LEG. ALDEN:

Otherwise we don't and we're refusing to take a couple of days to go and just make sure that we can put money to affordable housing. Okay. That answers my question.

LEG. BINDER:

Mr. Chairman, do you •• Mr. Chairman.

LEG. VILORIA • FISHER:

That's where we are, because we may not have a couple of days.

LEG. FOLEY:

That's not where we are. There's millions of dollars in the budget.

P.O. CARACAPPA:

Legislator Binder.

LEG. BINDER:

Right, just ••

P.O. CARACAPPA:

Did you ask to be recognized?

LEG. BINDER:

Just a quick point that I made before.

LEG. FOLEY:

Mr. Chairman.

LEG. BINDER:

Budget Review •• and we passed it out, so everyone's got it now. Budget Review has different numbers than Tom Isles. We don't know how much is in the fund, we don't know how much is available. And if we don't know, we shouldn't be sending something to the voters, not knowing how much is available now and what we'd be adding 75 million to.

LEG. LOSQUADRO:

Mr. Chairman.

LEG. BINDER:

So, we shouldn't do this today.

LEG. LOSQUADRO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Losquadro.

LEG. LOSQUADRO:

Mr. Duffy, do you have from Budget Review •• I believe Budget Review did have some numbers, which took into account ••

LEG. BINDER:

I just had it.

LEG. LOSQUADRO:

No, no, no. I believe Budget Review has some numbers that also take into account some of those negotiations and ••

LEG. BINDER:

It was Budget Review.

LEG. LOSQUADRO:

No. That takes into account that are more similar to what Planning has.

LEG. BINDER:

It has it on my sheet, says negotiation.

LEG. FOLEY:

Mr. Chairman. Okay. Thank you.

MR. DUFFY:

If I could speak, please. I just spoke with Tom Isles about the difference between his numbers and our numbers, and what they are is that he had •• I got numbers as of June 30th. He updated them as of yesterday morning. The differences are, from what he described to me, is that in the Greenways Farmland, they are in the •• they made a 4 million dollar offer on a farm in Southampton, so I would consider that under negotiation. He's now put it as being unavailable. And the other two differences that show on our schedule also involve items that he has listed under negotiation.

P.O. CARACAPPA:

Aside from that, it would balance out.

MR. DUFFY:

Yes, when you take in those three items that he just told me about, which he now says are in negotiation, which he would then encumber the number.

P.O. CARACAPPA:

Thank you, Kevin.

LEG. CARACCILOLO:

That's Budget Review.

P.O. CARACAPPA:

Legislator Foley.

LEG. FOLEY:

As far as affordable housing or workforce housing, you know, no one should leave today's meeting with the misunderstanding that there are no monies. There's literally millions of dollars that we and the County Executive have appropriated and is part of a line item within our Operating Budget. So, those monies are available. We can use them at any time, so no one should think that we need to have TDR's in this resolution in order to move forward with some homeownership opportunities. We have millions of dollars that's available for those initiatives.

P.O. CARACAPPA:

Thank you. There's a motion and a second. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILOLO:

Yes.

LEG. VILORIA•FISHER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

To approve? Yes.

LEG. BINDER:

Abstain.

LEG. MYSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. NOWICK:

Abstain.

LEG. CRECCA:

Abstain.

LEG. ALDEN:

Abstain.

LEG. MONTANO:

Yes.

LEG. LINDSAY:

Yes.

LEG. FOLEY:

Yes.

LEG. LOSQUADRO:

Yes.

LEG. O'LEARY:

Abstain.

LEG. SCHNEIDERMAN:

Yes.

D.P.O. CARPENTER:

Abstain.

LEG. VILORIA • FISHER:

We can lose the whole thing.

P.O. CARACAPPA:

Abstain.

LEG. VILORIA • FISHER:

No, we may not have time. We won't have time.

MR. BARTON:

11.

P.O. CARACAPPA:

11, it goes to committee. I make a motion to go into executive session to discuss ••

LEG. TONNA:

Second.

P.O. CARACAPPA:

To discuss the Millstone ••

LEG. LINDSAY:

Mr. Chairman.

P.O. CARACAPPA:

•• Nuclear Power Plant.

LEG. LINDSAY:

Mr. Chairman, before you do that, a point of personal privilege.

P.O. CARACAPPA:

Yes.

LEG. LINDSAY:

I had requested a CN from the County Executive. Could we just see if it came over yet.

P.O. CARACAPPA:

It hasn't been distributed as of yet. Mr. Zwirn.

MR. ZWIRN:

If you give me one second, I'll check.

P.O. CARACAPPA:

So, motion to go into executive session.

LEG. SCHNEIDERMAN:

I'll make a motion to go into executive session.

P.O. CARACAPPA:

For the purpose of discussing Millstone Nuclear Power Plant.

LEG. SCHNEIDERMAN:

Relicensing application ••

P.O. CARACAPPA:

Relicensing application.

LEG. SCHNEIDERMAN:

•• extension and the County's intervention, Legislator's intervention.

P.O. CARACAPPA:

I will recognize the presence for that executive session, members of the Legislature, County Executive's Office, Budget Review, and County Attorney.

LEG. SCHNEIDERMAN:

And we'll be joined by Attorney John Block, Jonathan Block, who's an expert in nuclear regulatory ••

P.O. CARACAPPA:

All in favor?

LEG. CARACCIOLO:

Mr. Chairman.

P.O. CARACAPPA:

Legislator Caracciolo.

LEG. CARACCIOLO:

This is on the motion to go into executive session?

P.O. CARACAPPA:

Yes.

LEG. CARACCIOLO:

Okay. Immediately thereafter, I'd like to make a motion to reconsider the CN, 1239.

LEG. SCHNEIDERMAN:

After executive session.

LEG. CARACCIOLO:

After executive session.

LEG. VILORIA•FISHER:

Second.

P.O. CARACAPPA:

All in favor? Opposed? Abstentions? We're in executive session. I'd ask all those individuals who were not asked to stay to please vacate the premises.

[EXECUTIVE SESSION WAS HELD FROM 4:43 P.M. TO 5:30 P.M.]

D.P.O. CARPENTER:

Okay. We have a motion by Legislator Montano, second by Legislator Vilorio •Fisher, to go back into public session, and I will entertain a motion to adjourn.

LEG. NOWICK:

Motion to adjourn.

LEG. BINDER:

Second.

LEG. VILORIA • FISHER:

Legislator Caracciolo had made a motion before we left for executive session.

LEG. CARACCILOLO:

I sure did.

LEG. BINDER:

It wasn't recognized and •• he said he was going to make a motion afterwards. This is not a debatable motion at any point it's recognized. Madam Chair, it's not a debatable motion.

LEG. CARACCILOLO:

Thank you. Thank you.

D.P.O. CARPENTER:

I adjourned.

LEG. CARACCILOLO:

Do you want to adjourn?

D.P.O. CARPENTER:

Yeah.

LEG. CARACCILOLO:

Do we have a vote on adjournment?

LEG. FOLEY:

No, we didn't have a vote on ••

LEG. CARACCILOLO:

We didn't have a •• no, no, no. You said motion to adjourn, adjourned. You didn't •• I didn't hear a vote.

LEG. FOLEY:

I didn't hear a vote either.

LEG. NOWICK:

Okay. All in favor?

LEG. FOLEY:

On the motion. On the motion.

LEG. CARACCILOLO:

Roll call on adjournment.

LEG. FOLEY:

First of all, on the motion.

LEG. BINDER:

There's no on the motion.

LEG. FOLEY:

There's not?

LEG. BINDER:

It's not a debatable motion.

LEG. CARACCILOLO:

A roll call on the motion.

LEG. BINDER:

It's not a debatable motion.

LEG. CARACCILO:

We can have a roll call. But •• roll call.

MR. BARTON:

Okay.

(Roll Called by Mr. Barton, Clerk)

LEG. NOWICK:

Yes.

D.P.O. CARPENTER:

Yes.

LEG. COOPER:

Yes.

LEG. TONNA:

(Not Present)

LEG. BINDER:

Yes.

LEG. MYSTAL:

Hell, yeah.

LEG. BISHOP:

Yes.

LEG. CRECCA:

(Not Present)

LEG. ALDEN:

Pass.

LEG. MONTANO:

Pass.

LEG. LINDSAY:

No.

LEG. FOLEY:

No.

LEG. LOSQUADRO:

Pass.

LEG. VILORIA • FISHER:

No.

LEG. O'LEARY:

(Not Present)

LEG. SCHNEIDERMAN:

Are you kidding? I'm having too much fun to go home. No.

LEG. CARACCILO:

No.

P.O. CARACAPPA:

(Not Present)

LEG. ALDEN:

Yes.

LEG. MONTANO:

Yes.

LEG. LOSQUADRO:

Yes.

MR. BARTON:

Nine.

LEG. CARACCILO:

Okay. We're not adjourned. Madam Chair.

D.P.O. CARPENTER:

I'll make a motion to recess.

LEG. CARACCILO:

Roll call on the motion to recess.

LEG. MYSTAL:

Recess until when?

D.P.O. CARPENTER:

Until the next meeting, August 24th.

LEG. CARACCILO:

I mean, what is the big deal? I stayed here for executive session while other Legislators left. I mean ••

D.P.O. CARPENTER:

Okay. We definitely will give you the courtesy. Quickly, what did you want to accomplish here with 12 Legislators?

LEG. CARACCILO:

Well, I wanted to make an announcement that on the CN that was voted down by one vote earlier today, 1239, it will be reintroduced with two additional sponsors, Legislator Losquadro and Foley.

D.P.O. CARPENTER:

Wonderful.

LEG. CARACCILO:

And in consultation with the Executive's Office, they stand by the August 16th deadline for action on a referendum for the Fall. So, it's my understanding that a Special Meeting will be called on •• for Monday, the 16th. That's it.

LEG. ALDEN:

By who.

LEG. CARACCILO:

By the Executive.

D.P.O. CARPENTER:

Terrific. Thank you for that information. We stand adjourned.

[THE MEETING WAS ADJOURNED AT 5:36 P.M.]

_ _ ***Indicates Spelled Phonetically***